



**TOWN OF BIG FLATS
PLANNING BOARD**

**REGULAR MEETING MINUTES
JANUARY 2, 2008**

Members Present: Angela Piersimoni, Chair, Bill Stewart, Carl Masler, Lee Younge, Lance Muir, Scott Esty, Jim Ormiston, Alternate Member Bob Byland

Members Absent: None

Staff Present: J. Justin Woods, Planning Director, Brenda Belmonte, Planning Secretary,

Others Present: Marcia Hudock, James Gensel, John Wren, Tom Wren, Carl Carson, MaryAnn Balland, Tom Reed, Gerald Welliver, Carolyn Welliver, Ron Wilson, Kevin Kodz, Clay Ambrose

Meeting called to order at 6:35 by the Chair noting all members were present.

Minutes

November 20, 2007 Planning Board, Motion by Jim, Esty 7-0

December 3, 2007 Planning Board, Motion by Jim, Esty 7-0

Motion by Ormiston, seconded by Esty to approve the minutes of November 20, 2007. along with the minutes of December 3, 2007, Discussion, None; Motion Carries 7-0.

Reports

NYSEG Substation –The Planner met with NYSEG representatives to review what is needed for site plan approval. They will be applying to build a new substation on Yawger Road.

Architectural Standards/Design Regulations - The Town Supervisor requested that the Planning Department solicit estimates from design firms for the development of architectural and design regulations. The attached Request for Qualifications/Proposals was distributed to consultants regionally. Enough response time was provided through the holidays to ensure an adequate number of proposals are submitted. The RFP/RFQ was posted on the website along with the Town Center Strategic Plan. Bob Byland reported on information he researched regarding architectural standards, explaining they can be very specific. He will distribute copies of his findings to the board. We will await response from various firms, and review with M Balland.

County Planning Board –The zoning changes and IDEE laws were returned by the county for local determination.

A complete traffic study is needed for Simmons Rockwell before the county reviews it. No date as far as when the new study will be complete.

River Council – Younge reported there were no additional meetings over the holidays. A presentation will be given on January 17th to explain what has been accomplished over the past year.

Zoning / Local Law Update – The Town Board approved and passed the zoning changes for the RCD and TCO districts as well as the area along County Rte 64.

New Business

Wren Zoning Request - The Wren's have modified their request and are now asking to be rezoned TC2. It is the staff's recommendation that the Board must find a sound planning reason for making a favorable recommendation; otherwise it would be considered spot zoning. Spot zoning occurs when a small area of land or section in an existing neighborhood is singled out and placed in a different zone from that of neighboring property. For example, a park or school might be allowed in a strictly residential area if it

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1 serves a useful purpose to the neighborhood residents. In NY, courts have found spot zoning illegal on
2 the ground that it is incompatible with the existing land use-zoning plan or in an overall zoning scheme
3 for the community. Whether the exception carved out is reasonable and supported by the facts, often turns
4 on public interest, the effect the spot zoning has on the current uses of neighboring properties, and any
5 ramifications created by the zoning.

6 Under present circumstances, there is a strategic plan and a couple of years worth of work into the current
7 proposal. Lacking a sound planning reason or public interest for the proposal, staff recommends against
8 modifying the Board's previous recommendation
9 .

10 Discussion – Tom Reed, Town Attorney, explained this needs to be looked at not as being personal, but
11 whether it would make sense with the strategic plan and the zoning amendment.

12 Younge asked if the requested change, from BNR to TC2, would actually be considered spot zoning. It
13 appears that it would basically be extending a zone. Reed explained further the issue of this needing to be
14 consistent with the comprehensive plan of the area. Younge's concern is that zoning for the entire lot
15 would change- not just the lot for sale. She asked if Wren could request a zoning amendment after
16 subdividing. Reed replied there is nothing preventing the applicant from coming back.

17 Tom Wren commented that the TC2 zone is currently across the street from their property, and also
18 surrounds the Big Flats School. He further stated they had approached this issue and addressed the
19 change prior to the zoning change. Reed explained that when the Town Center Plan was in the process,
20 and the moratorium was put in place, the committees discussed changing these lots to residential,
21 however extended the BNR to accommodate the Wren's property.

22 The Planner pointed out the need to look at whether there is a public interest in changing this now, or if
23 the change would advance any of the goals in the strategic plan. A substantial amount of work has been
24 put into the plan.

25 Esty requested a table of the areas and their uses be provided to the board for review. The Planner will
26 provide a table to each board member.

27 The Planner made clear there are several different types of sales, and reviewed the list of uses that could
28 be done in the BNR district with the present proposal. He said the goal is to ask if it fits in with the
29 overall planning of the town.

30 Balland commented that this is the only corner with a buildable lot. By the time the drainage, buffer and
31 transition areas are recognized you would need to see what was left.

32 Reed made clear that the board, as a discretionary board, needs to determine if this is compatible for
33 future development of the town.

34 Esty understands that the Wren's have a commercial interest in this property, however he does not feel he
35 has enough information available to make a decision. Masler also feels there is not enough information to
36 make a decision. This Zoning request will be placed on hold until the next meeting.
37

38 Reynolds Subdivision
39

40 **Chair Opened the Public Hearing at 7:04PM:**

41 The Planner explained this is a preliminary plan and that Gensel understands the requirements needed.
42 Tom Kump met with the Planner and will review the location of the septic areas previous to anything
43 being finalized. Building envelopes will need to be shown and stormwater is being addressed.

44 Muir questioned adding four more curb cuts on Chambers Road. He wondered if there has been any
45 consideration given to having a single drive with a feeder. Gensel replied that a road would need to be
46 built to do that which is not within the scope of this project.
47

48 James VanNordstrand, 135 Chambers Road, presented pictures of the drainage in his back yard, showing
49 the amount of water that comes off the hill. He does not believe any more drives are needed on that road.

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1 Gensel said that this is a single-family residential subdivision and reviewed the local law requirements for
2 drainage retentions. He further stated that the analysis showed no increase in water runoff.

3 Younge would like to be sure the drainage will not create a problem for future homebuilders.

4 Gensel said once again, this is an existing condition.

5 Prior to the final, a right of way will be dedicated to the town and to the county.

6 **Public Hearing Closed at 7:21PM.**

7 **Motion by Younge, seconded by Stewart to approve as preliminary; final approval with conditions.**

8 **Discussion, None. Motion Carries 7-0.**

9
10 Simmons Rockwell – This has been presented to the county planning board with the main discussion
11 being traffic, access points, and internal traffic flow.

12 Muir stated a lot of progress has been made, however further details need to be resolved. Until the
13 requirements are submitted, it can't actually be reviewed.

14
15 Harley Davidson Concept

16 Piersimoni reviewed the proposed area for this application and explained this is on the agenda for
17 concept discussion only. Comments will be presented after consultation with the Town Attorney. Kevin
18 Kodz, the owner of the Harley Franchise, stated that he is the owner of the Corning Harley dealership as
19 well as one near Reading. The Reading dealership is located in a town similar to Big Flats and has
20 received no complaints from neighbors of the new building. In fact the town and county have weigh
21 (safety) station inspections conducted through that property. Kodz has received several letters of
22 accommodation from the town for a number of things done within the community. He is looking to fit in
23 with this area and match what Big Flats has as a vision for the town. Kodz will present pictures of his
24 existing buildings at the next meeting. The building is designed to face the hamlet as to fit in better. The
25 highway side is designed to fit from that side as well.

26 The Planner explained that this is a conforming lot with a conforming structure, seeking to hold a
27 nonconforming use. He has asked Hank Kimball, the seller's representative, to review the current local
28 law and provide how this would comply.

29 Reed made clear that the policy of preexisting non-conforming use per 1756.020 of town code is to make
30 it go away once there is a chance. Non-conforming use is not to be encouraged. Reed stated this is a
31 complicated issue that the board will need to determine.

32 Muir stated vehicle sales are not allowed in this area. Gensel said the applicant wants to continue the
33 same non-conforming use along with added conforming uses.

34 Esty said normally vehicle sales are a field of cars, however all of these vehicles will be stored within and
35 it would look like a regular store.

36 Setting a precedent would be an issue according to Younge, to which Reed agreed. Reed said this is a
37 legislative determination, which needs to be looked at by the board.

38 Esty asked Kodz how many vehicles are kept in stock inside the building. Kodz replied he receives
39 approximately 200 motorcycles a year. In the summer he could have seven to ten, in the winter perhaps
40 twenty.

41 The Planner commented that this board does not make zoning determinations; perhaps it should refer this
42 to the ZBA for clarification and interpretation. It would be helpful to have the applicant's position on
43 how they would legally comply before presenting to the board again. The town board could grant a
44 special permit if a compelling argument is presented. The initial step will be the determination from the
45 planning office.

46
47 Correspondence

48 Hackett Variance Denial

49 Kartzman Letter – Code has sent a letter to Sophie's regarding not building to the site plan criteria.

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Active Applications (No Action)

Holden Subdivision

Wren Subdivision

Rhodes Subdivision

REORGANIZATION MEETING/2008 MEETING SCHEDULE

Meeting Schedules - The Planner reviewed the three option proposals. The board discussed these proposals and agreed to one meeting per month with the ability to hold a second if needed. **Motion by Stewart, seconded by Esty to hold one meeting per month with the ability to have a second as needed. Discussion, None, Motion Carries 7-0.**

Officers for the coming year;

Motion by Younge, seconded by Stewart to appoint Piersimoni as Chair , Discusion, None, Motion Carries 7-0.

Piersimoni appoints Esty as Vice Chair.

Motion by Muir, seconded by Masler to adjourn at 8:50. Discussion; None, Motion Carries 7-0, Meeting adjourned at 9:00PM



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REGULAR MEETING MINUTES

FEBRUARY 5, 2008

Members Present: Angela Piersimoni, Chair, Carl Masler, Lee Younge, Lance Muir, Scott Esty, Alternate Member Bob Byland
Members Absent: Bill Stewart, Jim Ormiston
Staff Present: J. Justin Woods, Planning Director, Brenda Belmonte, Planning Secretary
Others Present: George Miner, James Gensel, John Wren, Thomas Wren, Carolyn Welliver, Jerry Welliver, Mike Smith, Marcia Hudock

Meeting called to order at 6:30 by the Chair noting members Bill Stewart and Jim Ormiston were absent.

Minutes

Motion by Esty seconded by Muir to approve the minutes of January 2, 2008, Discussion, None, Motion Carries 6-0.

Authorization to Sign

Motion by Younge, seconded by Esty to give Planner authorization to sign Planning Board approved documents, Discussion, None, Motion Carries 6-0.

Rules of Procedure

Motion by Esty, seconded by Byland to adopt the Rules of Procedure, Discussion None, Motion Carries 6-0.

Reports

Grants Memo – Memo outlines grant opportunities the town is exploring as well as what would be available through them. The Town Board will hold a public hearing February 13th at 4:30 for needs assessment as well as to entertain a resolution requesting that STEG and the County apply. A second hearing would be held exclusively on specific applications.

The Town Board will also discuss the “Safe Routes to Schools” grant opportunity for a sidewalk on Maple Street. A meeting with the Maple St. neighbors will be held Thursday, March 6th at the Community Center. Esty asked who would be responsible for maintaining the sidewalk. The Planner believes there would be a public right of way and each individual would be responsible for shoveling. However, he is unsure who would be responsible for deterioration.

The archives grants program has been identified in the memo for future reference since the Town Clerk has applied for it this year.

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Daniel Zenker Drive Meeting

The Planner, along with Muir met with the business owners along Daniel Zenker to let them know the qualifications of the CDBG program.

Zoning Report

The recent adoption of the TC2 and RCD districts neglected to update all relevant references to the appropriate sections of the Town Code, such as in the transition yards and sign regulations. This list is a comprehensive list of all the sections that need to be updated. Second, the Planner is working with Code and the Town Attorney to propose new language for the nonconforming sections of the Town Code.

Airport Public Meeting

Piersimoni would like this presented to the entire board to allow for any questions. The Planner will send an invitation to Ann Crook for the March meeting. Esty is concerned with the moving of Chambers Road for the proposed runway extension. The new county DPW Commissioner will review and provide comments about realigning Chambers Road.

Food Manufacturing Plant

A pre-application meeting was held with a food manufacturing plant looking to build in Airport Corporate Park. Muir attended along with the Planner, Town DPW, Code Enforcement, and the County Sewer District to supply them with the information they will need for a timely submittal. The information supplied is currently in front of the Executive Committee. We will have a revised submission in approximately two weeks, and it should be on the March 4th agenda.

Reynolds Subdivision (No Action) The County Health Department has reported that everything is satisfactory for the subdivision. Still waiting for DPW and Soil and Water reports.

Simmons Rockwell (No Action)

A meeting was held with the Planner, DPW, Executive Committee, and Gensel regarding future development of Colonial Drive. A meeting with the consultant will be held on Friday, February 9th with reference to the corridor study.

Harley Davidson (No Action)

The Planner has sent a letter to the applicant explaining non-conforming use and zoning compatibility. Esty asked why it is the obligation of this applicant to supply information pertaining to the previous business. The Planner said the reason is they are the ones asking to do something different. Muir stated the applicant could only go so far concerning the non-conforming situation before losing the grandfather approach. The Planner explained there are several issues to this application and we are giving the applicant a chance to submit the proper information before a premature decision is rendered.

Old Business

Wren Zoning Request

John Wren believes a potential buyer would be discouraged from purchasing his property if they were told a variance was required. He feels a zoning change is not an outrageous request and that he has not been given a good reason for it being denied. Wren does not understand why the town is so set against the change, as it would just extend the TC2 line from across the road to his property. Each of the four corners is in a different zone, and BNR has very little differences from TC2 – he feels almost no difference. Tom

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1 Wren agreed saying it would be quite an expensive process to apply for a variance and a site plan - a
2 buyer would not spend the money on something so uncertain. The Planner does not feel a variance would
3 be granted, as it is quite difficult to provide the required criteria.

4
5 Younge asked what official capacity the TC committee held. The Town Supervisor convened the meeting
6 to provide continuity regarding the planning and decisions of the TC. Esty said the TC committee felt
7 they had put a lot of time into this and it is included in the Comprehensive Plan.

8
9 The Planner explained that prior to the zoning change Wren would not have been able to subdivide the
10 property due to setbacks, transitions and buffer requirements. However now, with the new zoning, he
11 would be able to subdivide. Piersimoni stated she realizes the TC committee worked very hard on this, as
12 well as on the hamlet, but she questions why the change could not be made, as it is part of the Town
13 Center. Muir said we have to be sure not to spot zone by changing the zoning to benefit only one person.
14 Younge believes this does not appear to be spot zoning since they would just be moving a line.

15
16 **Motion to by Byland, seconded by Esty to adopt the following Resolution:**

17
18 **Whereas the Planning Board voted on Resolution P29-2001 to recommend against changing the**
19 **zoning on Tax Parcel 66.04-3-30.3 from CL to BN, and**

20
21 **Whereas the Town Board voted on Resolution 204-01 to deny changing the zoning on Tax Parcel**
22 **66.04-3-30.3 from CL to BN, and**

23
24 **Whereas the Planning Board concured with the recommendation that it made in 2001 to**
25 **recommend against changing the zoning to BN, and**

26
27 **Whereas Mr. Wren modified his request to ask that the property be rezoned to TC2, and**

28
29 **Whereas the Town Center Committee recommended that the Planning Board and Town Board**
30 **deny the request to rezone the property TC2,**

31
32 **Be it therefore resolved that the Planning Board hereby recommends that the Town Board deny the**
33 **Wren's Zoning Request to change the zoning from BNR to TC2**

34
35 **Discussion, None, Motion Carries 4-1 with Piersimoni abstaining.**

36
37
38 **New Business**

39
40 **Rhodes – Variance**

41 The applicant has not presented a fact-based case addressing the legal requirements for securing a
42 variance as outlined in Section 1760.050 of the Town Code. Furthermore, staff has significant concerns
43 regarding the drainage, slopes and site distances for the shared driveway. If a private drive was put in
44 perhaps as many as three lots could be created. Staff recommends a negative recommendation to the
45 ZBA on the variance. The Planner feels this is a case of trying to do too much on too little a site – perhaps
46 one house would be more appropriate. He then reviewed the five criteria required for a variance and
47 explained it depends on whether it meets those criteria. The applicant will present his case in front of the
48 ZBA.

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Motion by Younge , seconded by Masler to recommend that the ZBA deny the variance request.

Discussion, None Motion Carries 5-0.

Correspondence Distributed

Reynolds Decision – Copy of Resolution P-116

STEG – CDBG & Food Manufacturing Emails

Susan Phillips – Corridor Study & Simmons Rockwell

Rhodes Subdivision – Dean Letter

Chuck Coons – Letters from Planner & Town Supervisor RE Indoor Athletic Facility

Harley Davidson Letter RE Non-Conforming Use

Active Applications

Holden Subdivision (Incomplete Application)

Wren Subdivision (Tabled Pending Zoning Request)

Rhodes Subdivision (Tabled Pending Variance)

Frampton (Tabled Pending Zoning Change & Variance)

Members Comments

Younge mentioned the DEC is proposing passing a regulation to ban all open burning regardless of population and she is wondering who would enforce this. Masler would like improvements in getting packages out in time for review.

Motion to adjourn at 7:43 by Esty, seconded by Byland, Discussion, None,

Motion Carries 6-0.

Meeting adjourned at 7:44pm

TOWN OF BIG FLATS
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MARCH 18, 2008

Members Present: Angela Piersimoni, Chair, Carl Masler, Scott Esty, Bill Stewart, Bob Byland, Lee Younge
Members Absent: Jim Ormiston, Lance Muir
Staff Present: J. Justin Woods, Planning Director, Brenda Belmonte, Planning Secretary
Others Present: Carolyn Welliver, Jerry Welliver, Jamie Gensel, Matthew Dobrowski, Tom Dobrydney, Ron Sherman, Glenn Cooke, Mike Smith, Marcia Hudock, Mark Frampton, George Miner, Steven Reynolds

Meeting called to order by the Chair at 6:30pm, noting members Jim Ormiston and Lance Muir were absent. Consultants Steve Polzella and Tom Dobrydney from Southern Tier Regional Planning were introduced along with Ron Sherman and Glen Cook from MRB Group.

MINUTES

February 5, 2008

Motion by Younge, seconded by Byland, to approve the minutes of February 5, 2008, Discussion, None, Motion carries 6-0.

Reports

The Town Board has asked for revisions to the Rules of Procedure as follows;

Rule 11 –The timeline for the Executive Committee to review applications will now exclude weekends and holidays. This will move the Executive Committee meeting to Thursdays at 1:00.

Rule 12 - Media sources will be added as recommended by the Town Clerk.

Motion by Esty, seconded by Byland to adopt the amendments to the Rules of Procedure, Discussion; None, Motion carries 6-0.

Piersimoni would like to reinstate the Applications Committee meetings. She believes, due to the newness of our consultants, it would be advantageous to re-establish those meetings. The Planner commented that the board has discussed this and realized that holding the Executive Committee meeting prior to the Planning Board meeting does not allow enough time for review. Younge suggested it be left up to the new consultants to call a second meeting as needed. The new schedule will go into effect when approved at the next Town Board meeting.

Motion by Esty, seconded by Byland to accept the revisions as outlined, with the Executive Committee meeting the Thursday prior to the Planning Board.

The March 25, 2008 meeting to set the agenda for April 1, 2008 will remain as scheduled.

Frampton Re-Zoning Request

Frampton is asking the Planning Board to sponsor his request for a zoning change from BNR to TC. He previously presented his request to the Town Board and was denied. Frampton presented pictures of an inflatable building similar to what he is proposing, stating he feels it would blend in well. The proposed

1 parcel is located behind the American Legion and is landlocked. It is currently zoned Business Non-Retail
2 (BNR) which does not allow for indoor recreation. A change to Town Center (TC) would allow for
3 indoor recreation. The Planner explained Frampton is asking for the Planning Board to sponsor his
4 request to the Town Board for a zoning change.

5
6 The athletic facility would focus on participation at the school level, and would promote leadership and
7 skill building. Frampton has been asked by parents in the area to look into getting such a facility locally.
8 Stewart commented that the building would be 80ft high, and zoning allows for a maximum 30ft height.
9 Frampton feels if the facility is placed below the highway level it would overcome the height factor as far
10 as visual impact is concerned. The facility itself would be 165,000 square feet with a clubhouse of
11 approximately 2000 square feet attached.

12
13 The Planner reiterated this is a landlocked parcel with no access. Frampton stated they are still looking
14 into the access availability, and spoke of perhaps sharing a drive with the American Legion.

15
16 Esty questioned why Frampton elected to go with such a large facility. Frampton replied, 'a football field
17 is a football field'. Also, after talking with soccer fans in the area, there is interest in a full size soccer
18 field. A full size running track also on the inside would eliminate school students running through the
19 halls for track.

20
21 The Planner explained that in order for a citizen to submit a zoning change request, a petition from 50%
22 of road frontage residents in the district would need to be presented, and that has not been done. The
23 Planner recommends not sponsoring the request, as it would look as though the board is sponsoring a
24 project that is incompatible with the planning and use in the town.

25
26 Piersimoni cited the recently passed ridgeline protection law, and feels this project would be in opposition
27 to it by blocking the view.

28
29 Esty is concerned that sponsoring the request would be recommending spot zoning of a parcel adjacent to
30 a different zone.

31
32 Stewart believes the area needs a project of this nature because he feels we are not promoting our kids.
33 He can not say if this is the correct property for the business. It would fit the TC area, however he cannot
34 speak for the 50% of people who would need to be petitioned.

35
36 Piersimoni asked if Frampton were to receive a negative response from this board, would he continue to
37 pursue the plan. Frampton stated he is unsure as to what he would need to do, and asked what impact it
38 would have on a property owner already in the TC. Stewart said it would give them the right to vote on
39 something coming into their zone. The town attorney would need to interpret who would need to be
40 petitioned, the citizens in the current zone, or those in the requested zone. The Planner read the section of
41 the code pertaining to the signed petition, and it was determined it would be the people of the current TC.

42
43 **Motion by Younge seconded by Esty to not sponsor the request for a zoning change to from BNR to**
44 **TC, Discussion, None, Motion carries 6-0.**

45
46 Route 64 / Colonial Drive Transportation Study

47 In February the Planning Department and the Department of Public Works met with County Planning
48 and the consultant doing the transportation study. There is no new information since the October
49 comments. GIS maps were updated for the consultant. The Planner feels the project is getting closer to
50 being completed, but has not had a response since meeting in February.

1 Chesapeake Concept Plan

2 Stewart excused himself, as he is a property owner near the proposed plan. The Planner explained the
3 plan is for an office area along with a 4-acre lot. The board discussed whether this would be classified as
4 a contractor's equipment yard, which is not allowed in that zone. The revisions requested at the last
5 Executive Committee meeting have not yet been received.

6
7 Stewart, a property owner, taxpayer, and homeowner next to the property feels this project would be good
8 for Big Flats and would enhance the area by bringing in 70 quality jobs. He would like the board to take a
9 serious look at this plan.

10
11 Jerry Welliver, also a landowner near the site plan, believes the applicant is going to do everything the
12 Executive Committee has requested. He feels it will enhance the area with jobs, and will bring people
13 presently leasing property here to stay. His understanding is that only two acres of storage area is being
14 asked for, which would hold 6" to 10" new pipes to be used for emergencies rather than being stored
15 there for a 6 month period. Mr. Boggs (Chesapeake) has had several conversations with Welliver, and
16 has stated how much he likes this area. The company would also enhance the area by bringing water and
17 sewer half way up Daniel Zenker Drive.

18
19 Esty said this has been discussed with the engineer, and the concerns were that this was, in terms of
20 overall footage on the ground, much more of a construction yard than an office building. The intent is to
21 protect the bordering residential zone from being too industrial, and the consensus is it would not fit.
22 Esty referred to the storage yard currently at Fortuna. Stored there are several large water tanks, piping,
23 separators, and wellhead equipment.

24
25 The Planner commented that the board is just reporting on the status of the plan, not actually reviewing it.

26
27 Welliver said in his conversation with Boggs it was stated the storage yard would be for temporary
28 storage of pipes for emergency purposes. He feels if they did not live up to their promise, the town has a
29 zoning department to enforce the plan. Welliver then stated he would like to be the liaison for the board to
30 meet with the representatives from Chesapeake and asked if the board would be willing to meet. Esty
31 said the board is open to a meeting, and would love to hear what they want to do.

32
33 Stewart commented that it is very easy to look at every negative possible in this situation, however it is
34 just hearsay. He also does not believe it is fair to compare this company to Fortuna. He feels the meeting
35 with the representatives is being "shoved aside". This company is extremely close to leaving, feeling the
36 town does not want them here.

37
38 MaryAnn Balland said Welliver did come in to set up a meeting with the Chesapeake representatives for
39 March 28th. She felt it was more appropriate to bring their plans to the Planning Board rather than meet
40 with her.

41
42 The board concurred Chesapeake should come before the entire board as a concept plan at the April 1,
43 2008 meeting.

44
45
46
47
48
49 Harley Davidson Concept Plan

1 At a meeting held with the Town Attorney, Executive Committee, the Planner, and a representative from
2 the MRB group a rough timeline was outlined. Three applications will be submitted at once; a site plan, a
3 special use, and a variance. All will come before the Planning Board at the April 1, 2008 meeting.

4
5 Old Business

6
7 Reynolds Subdivision Final Plan

8 The Planner presented the draft resolution to the board. One concern had been the stormwater, however it
9 has been determined it will all be taken care of on site and will not run onto the road. Stewart requested
10 legal town holidays be added to the “no Sunday” construction under conditions. Also, street sweeping
11 will be changed to once a week. Piersimoni asked who would be chosen as independent environmental
12 monitor, and was told someone from soil and water.

13 Reynolds Subdivision Final Plan

14 The Planner presented the draft resolution to the board. One concern had been the stormwater, however it
15 has been determined it will all be taken care of on site and will not run onto the road. Stewart requested
16 legal town holidays be added to the “no Sunday” construction under conditions. Also, street sweeping
17 will be changed to once a week. Piersimoni asked who would be chosen as independent environmental
18 monitor, and was told someone from soil and water.

19
20 **Esty made, and Stewart seconded, a motion to grant Final Subdivision Approval to Steven**
21 **Reynolds, 449 East Lake Road, Penn Yann, NY 14527, to allow for the creation of (7)**
22 **residential building lots ranging from +/- 3 acres to +/- 10 acres with three lots fronting on**
23 **Upson Road and four lots fronting on Chambers Road. The application was noticed and**
24 **reviewed in accordance with Municipal General Law and the Planning Board’s Rules of**
25 **Procedure. The area affected is +/- 38 acres between Upson and Chambers Roads is**
26 **located in the Rural (RU) zoning district. The motion to approve is subject to the following**
27 **FINDINGS OF FACTS and CONDITIONS:**

28
29 **The Planning Board makes the following findings:**

- 30
31 A. **The Subdivision Drawings, dated July 3, 2007 and last revised on January 27,**
32 **2007, are generally complete and technically adequate.**
33 B. **The Subdivision generally conforms to the design and construction standards**
34 **described in Chapters 16.08.040 (Preliminary plat procedures) of the Town**
35 **Municipal Code as well as the Planning Board Rules and Regulations and the**
36 **bulk and density requirements of the Town Zoning Code.**
37 C. **The Subdivision has due regard for the provision of adequate access to all of the**
38 **lots in a subdivision by existing ways that will be safe and convenient for travel.**
39 D. **The Subdivision generally secures adequate provisions for drainage,**
40 **underground utility services, fire, police and other similar municipal equipment,**
41 **and other requirements where necessary.**
42 E. **The Subdivision has been reviewed by the Town and County Departments of**
43 **Public Works, the Big Flats Stormwater Officer, Fire Inspector, and Director of**
44 **the Chemung County Soil and Water District and has been found to be generally**
45 **acceptable, with any modifications noted in the conditions of approval.**
46 F. **Preliminary Approval was granted by Resolution Number P-116 on January 2,**
47 **2008.**

- 1 G. The Subdivision is an Unlisted Action in accordance with 6NYCRR 617.3, that
2 this Board is the Lead Agency completing an uncoordinated review, and has sent
3 copies of the application to the Chemung County Department of Health,
4 Chemung County Planning Board, Town and County Departments of Public
5 Works, and Chemung County Soil and Water District.
6 H. That based on the review of Part 2 of the SEQRA Short Environmental
7 Assessment Form completed by the Applicant and this Board, this Board finds
8 no significant potential adverse environmental impact and therefore issues a
9 Negative Declaration.

10
11 Finally, the Planning Board finds that the Final Subdivision generally complies with Town the Code
12 as long as the following conditions are complied with:
13

- 14 1) Environmental Monitor: The applicant shall designate an
15 independent environmental monitor who shall be chosen in
16 consultant with the Director of Planning. The Environmental
17 Monitor must be available upon four (4) hours' notice to inspect the
18 site with the Planning Board designated official. The
19 Environmental Monitor shall make weekly inspections of the project
20 and file monthly reports to the Planning Board throughout the
21 duration of the project. The monthly reports shall detail area of
22 non-compliance, if any and actions taken to resolve these issues.
23
24 2) Prior to endorsement of the plans by the Planning Board or its approved designee, the
25 applicant shall submit two (2) Mylars and (4) four-paper copies to Planning Office:
26
27 a) All subdivision application fees must be paid in full and verified by the Director of
28 Planning.
29
30 b) The applicant must meet with the Director of Planning in order to ensure that the plans
31 conform to the Board's decision.
32
33 c) The Subdivision Decision for this project must appear on the mylars.
34
35 d) The applicant shall file the approved subdivision plat with the Chemung County Clerk
36 within (62) sixty-two days from the date of endorsement.
37
38 e) Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two
39 days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the
40 Town Municipal Code.
41
42 f) All documents shall be prepared at the expense of the applicant, as required by the
43 Planning Board Rules and Regulations Governing the Subdivision of Land.
44
45 3) Prior to ANY WORK on site:
46

- 1 a) Yellow “Caution” tape must be placed along the limit of clearing and grading
2 as shown on the plan. The Director of Planning and Code Enforcement Officer
3 must be contacted prior to any cutting and/or clearing on site.
4
5 b) All erosion and sediment control measures as shown on the plan and as
6 outlined in the individual erosion control plans that will be developed for each
7 site must be approved by the Big Flats Stormwater Officer and ensure that all
8 stormwater is handled on site. In no case will stormwater be permitted to enter
9 roadside ditches.

10
11 **4) Throughout and During Construction:**
12

- 13 a) Dust mitigation and roadway cleaning must be performed weekly, or as deemed necessary
14 by the Director of Planning or a Code Enforcement Officer, throughout the construction
15 process.
16 b) Street sweeping must be performed, at least once per month, throughout the
17 construction process, or more frequently as directed by the Director of Planning or a
18 Code Enforcement Officer.
19 c) Hours of operation during construction are limited from 7 a.m. to 5 p.m., Monday
20 through Friday and 8 a.m. – 5 p.m. on Saturdays. Construction is prohibited on
21 Sundays.
22

23 **5) Prior to Building Permit Issuance for an individual lot, the following information is**
24 **required:**
25

- 26 a) Three (3) complete copies of the endorsed and recorded subdivision plans and one (1)
27 certified copy of the following documents: recorded subdivision approval, individual
28 septic approval, driveway access permit from the appropriate Public Works agency,
29 and any other documentation needed by the Building and Code Department.
30
31 b) A plot plan for the lot in question must be submitted, which includes all of the
32 following:
33
34 i) location of the structure,
35 ii) location of the driveways,
36 iii) location of the septic systems,
37 iv) location of all water and sewer lines,
38 v) location of wetlands and any site improvements required,
39 vi) any grading called for on the lot,
40 vii) all required zoning setbacks,
41 viii) Location of any drainage, utility and other easements.
42
43 c) All appropriate erosion control measures for the lot shall be in place. The Big Flats
44 Stormwater Officer and Code Enforcement Officers shall make final determination of
45 appropriate measures.
46
47 d) Lot numbers, visible from the roadways must be posted on all lots.

- 1
2 6) Prior to a Certificate of Occupancy being requested for an individual lot, the following
3 shall be required:
4
5 a) All necessary permits and approvals for the lot in question shall be obtained from any
6 other agency.
7
8 b) Permanent house numbers must be posted on dwellings and be visible from the road.
9
10 c) There shall be no driveways placed where stone bound monuments and/or catch
11 basins are to be set. It shall be the developer's responsibility to assure the proper
12 placement of the driveways regardless of whether individual lots are sold. The
13 Planning Board requires any driveway to be moved at the owner's expense if such
14 driveway is at a catch basin or stone bound position.
15
16 d) The Applicant shall ensure that all Planning, Board of Health, and Public Works
17 requirements are satisfied and that construction was in strict compliance with all
18 approved plans and conditions.
19
20 e) Certified as-built plans must be submitted for each site.
21
22 7) There shall be no burying or dumping of construction material on site.
23
24 8) The location of any stump dumps on site must be pre-approved by the Planning Board.
25
26 9) The contractor shall contact Dig Safe at least 72 hours prior to commencing any
27 excavation.
28
29 10) Gas, Telephone, Cable, and Electric utilities shall be installed underground, and otherwise
30 as specified by the respective utility companies.
31
32 11) Any action by a Town Board, Commission, or Department which requires changes in the
33 placement of any easements or utilities, drainage facilities, grading or no cut lines, may be
34 subject to modification by the Planning Board.
35
36 12) The Planning Board hereby GRANTS a waiver of the Subdivision Code which requires
37 the subdivision to be at a scale of 1"=50' and permits the use of a 1"=100' scale on the
38 approved plans.
39
40 13) This Final Subdivision Approval is based upon the following information ,which is
41 incorporated into this decision by reference:
42

43 Plan Titled: Subdivision Drawings For Reynolds Subdivision
44 Prepared For: Steven Reynolds, 449 East Lake Road
45 Penn Yan, New York, 14527
46 (607) 738-6141

1 **Prepared By:** **Fagan Engineers, Environmental Consultants**
2 **115 East Chemung Place, Elmira, NY 14904**
3 **(607) 734-2165**
4 **Dated** **dated July 3, 2007 and last revised on December 14, 2007**
5 **Project:** **05-0915, Sheets 1-5**
6 **Scale:** **As Noted**

7
8
9 Wren Subdivision Preliminary Plan

10 Wrens have withdrawn their subdivision request and are eligible to reapply at any time without prejudice.

11
12 **Motion to approve the withdrawal without prejudice by Younge, seconded by Piersimoni,**
13 **Discussion, None, Motion carries 6-0.**

14
15 TC2 / RCD Zoning Changes

16 Changes needed to be consistently applied throughout the town code. Piersimoni read the draft resolution
17 to amend Local Law 8 to include a new use table.

18
19 **Motion by Esty, seconded by Byland to amend Local Law 8 as per Resolution P2-2008 Discussion,**
20 **None, Motion Carries 6-0.**

21
22 New Business

23 NYSEG Preliminary Site Plan

24 Randy Edwards, NYSEG representative, introduced Ron Barron, Lead Engineer, and Stanley Lacombe,
25 Chief Regional Project Manager. Lacombe explained the reason for putting a substation in this area is
26 because of the location of existing NYSEG circuitry. There has been substantial load growth in the
27 Horseheads Big Flats area, overloading some substations, and this would provide additional capacity.
28 Additionally the substation needs to be connected to the current power line, which is also reaching its
29 capacity limits. This substation will serve the load presently, as well as the incoming load needed, and
30 will improve the quality to some of the more sensitive business equipment.

31
32 Barron explained why the Yawger Road site was selected. The primary criteria was the location near the
33 airport and Sing Sing Road, close to the current load and adjacent to the 115 transmission line running
34 parallel to I-17N. Also, approximately 15 acres was needed, providing buffers to neighbors. Additionally,
35 there was the issue of paying a reasonable purchase price to property owners. Well-defined existing tree
36 lines effectively screen the site particularly from the properties to the east. Barron presented pictures as
37 to what the substation will look like. It includes a chain link fenced area 170' x 235'. Within the fence
38 will be crushed stone with one one-story metal control building. A power transformer will also be located
39 within the fenced area. The tallest structures are the lightning masts which are 60 ft high. The elevation of
40 the site is 990' – the substation will not be visible from the highway. Stewart asked why the cable is not
41 all underground and was told it was due to cost. Stewart then asked why they are going underground to
42 the west, and was told they are cutting through a field, which would be hard to maintain long-term. The
43 Planner stated, aesthetically, the town would much rather see it underground.

44
45 Piersimoni asked who would be responsible for maintaining the road during construction and was told all
46 construction would be done off-road. The sub-station needs to be in service prior to the summer peak of
47 2009. Construction would likely begin in May of this year. There will be eight workers at any one time
48 working at the site, and once completed the site would be visited approximately once a week.

1 Stewart asked if the area would be expanded in the future and was told the fenced area would never be
2 expanded. Inside, the fenced area could be doubled, but again, it would be maintained within the fenced
3 area. Stewart commented that since 9-11 security is a concern, and asked what security would be
4 available. Fencing and double barbwire surrounds the site and is 8ft total in height. Children have not
5 been known to get into the sites.

7 The Planner stated the the 'unnamed creek' in the proposal is Yawger Creek, which is what the town
8 would like access to. Also, in the stormwater analysis, it says the onsite water flows into the creek. The
9 Planner feels this is an oversight- it infiltrates on site. Also, there is a need for NYSEG to check with the
10 FAA. They have spoken with Ann Croke who suggested there are sometimes issues with a certain type
11 of carrier for relay purposes, however, that type of carrier is not being used at this site.

13 The Planner asked if privacy slats could be put into the chain link fence or perhaps vegetation. Privacy
14 slats are possible, however they try to stay away from vegetation. The concern is the screening may lead
15 to the enabling of an illegal dumping area. Esty reiterated the importance of making sure it is noted that
16 the town will have access to Yawger Creek.

18 A 5-minute recess was called at 8:04.

20 Meeting called to order again at 8:10.

22 ACP Food Processing Facility Preliminary Site Plan

23 The plan is for a 98,000sf manufacturing facility located behind Hunt engineers and the existing
24 Corning shared services building. The site is approximately 13 to 14 acres. The facility will have 100
25 employees, with one shift at first, possibly going to second and third shifts in the future during seasonal
26 times. The traffic table has been done showing trip generations are well within their thresholds. All of
27 the improvements required under the original GEIS have been incorporated. Andy Avery has reviewed
28 the road expansion plan and Hunt will present the final roadway. Additional landscaping information has
29 been provided with the site plan, utility plan, and grading plan. Wetlands are shown on the drawings and
30 will not be impacted by this project. Construction of the roadway will impact the wetlands, and will have
31 to go through the proper channels. Pictures of the proposed building were distributed to the board. The
32 dumpster area will be contained and fenced. The facility has been designed so that future expansion
33 would be possible.

35 Masler asked about traffic and the timing of the shifts. This is a candy manufacturer; the largest work
36 force will be three shifts 8-10 weeks a year. Gensel is working with the lawyers, IDA and DOT regarding
37 an existing drainage easement.

38 The Planner mentioned to Miner that the Executive Committee had discussed the need to update the
39 GEIS. It might be a good time to update and include the rest of corporate park. He also asked the time
40 frame for the DOT easement issue and was told by Miner perhaps two weeks.

42 Piersimoni asked if they were looking to have this on the April or the May agenda, and was told the April
43 meeting. Ron Sherman said they have been supplied with what is needed, and he has no further questions
44 or comments at this time. This will be at the next Executive Committee meeting along with the April 1,
45 2008 Planning Board meeting.

47 Correspondence

48 Kent Krauss – Woods & Balland Letters – Krauss is proposing to re-establish a non conforming use on
49 Route 352, however the town board is looking to make some changes to the Industrial Zone.

51 Harley Davidson Concept – Response will be back before the board in April

1
2 Food Processing Correspondence

3
4 Wren Letter

5
6 Weirmiller email / Holden Subdivision

7
8 Big Flats Historical Society – Looking to build an addition in a non-conforming use.

9
10 Active Applications (For Reference/Tracking Purposes Only)

11 Simmons Rockwell – received revised plans and will be back next month.

12 Holden Subdivision

13 Rhodes Subdivision – on next Tuesdays ZBA agenda.

14
15
16 Members Comments

17 **County Planning Board meets Thursday, March 20, 2008 at 2:00pm. NYSEG, the Food Processing**

18 **Facility and Bravo will be on the agenda.**

19 **Stewart would like to thank the Planner, J. Justin Woods for the expertise he has given to the board**

20
21 **Motion to adjourn at 8:39 by Younge, seconded by Stewart, Discussion, None, Motion Carries 6-0.**

22
23 **Meeting adjourned at 8:40pm**

24

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES**

APRIL 1, 2008

Members Present: Angela Piersimoni, Chair, Lee Younge, Bill Stewart, Lance Muir, Scott Esty, Jim Ormiston, Bob Byland

Members Absent: Carl Masler

Staff Present: Stephen Polzella, Interim Planning Director, Tom Dobrydney, Assistant Director, Brenda Belmonte, PB Secretary

Others Present: Michael Hughson, Michael Manzari, Glenn Cooke, Ron Sherman, Jamie Gensel, Stan Koziattek, Tobias Motyka, Emma Wright, Kat DeMaria, Julie Kucko, Jim Kucko, Pete Ruhmel, Charles Ruhmel, Ed Weber, Scott Rotruck, Errol Dilmore, Jerry Welliver, Carolyn Welliver, Chris Dean, Glenn Farr, Marcia Hudock, George Miner, George Buck, John Mustico, Esq., Matt Dobrowski, Mark Moore.

Meeting called to order by the Chair at 6:30pm noting Planning Board Member Carl Masler was absent.

Motion to approve the agenda as presented by Muir, seconded by Stewart, Discussion, None, Motion Carries 7-0.

MINUTES

March 25, 2008

Corrections:

Stewart noted Balland and Fairbrother were omitted from the list of those in attendance at the March 25, 2008 meeting. Also, Stewart had requested that the policy on conditions for final approval include legal town holidays to be observed along with Sundays. This was not implemented on page 6, lines 8 and 9.

Motion by Stewart , seconded by Esty to accept the minutes of March 25, 2008 as corrected, Discussion, None, Motion Carries 6-0. with Ormiston abstaining.

Reports

Staff Changes – Chair Piersimoni introduced Steve Polzella, Interim Planning Director and Tom Dobrydney, Assistant Interim Director.

Meetings Schedule Revision

Polzella reviewed the proposed revisions to the meetings schedule.

Motion to approve the meetings schedule revisions by Muir, seconded by Piersimoni, Discussion, None, Motion Carries 7-0.

Authorization to Sign

This is the same procedure used previously which authorizes the planning director to sign documents as complete. This does not remove the ability of the Chair to sign, but would allow the director to sign as well.

Motion by Muir, seconded by Ormiston, to give Polzella, as Interim Planning Director, permission to sign the final plats, Discussion, None, Motion Carries 7-0.

**TOWN OF BIG FLATS
PLANNING BOARD MINUTES**

APRIL 1, 2008

PAGE 2 OF 7

New GEIS Recommendation

At the previous meeting a general recommendation was made to request an update to the 1995 GEIS.

Motion by Young, seconded by Ormiston, to request an update to the 1995 GEIS for Airport Corporate Park North, Discussion, None, Motion Carries 7-0.

Review Sign Law

Ormiston noted it has been quite some time since the town code has been reviewed regarding signs. He would like the planning staff to make a recommendation to the Town Board that an update be done. In this day and age of technology, one of the concerns is digital signs. There is a current provision in the code that regulates flashing signs, however Ormiston feels there is a significant difference between the two.

Esty suggested that the sign options be included in the new Design Review.

Piersimoni agreed, and questioned if the board or the planning staff should review those options.

Ormiston believes the planners, being the professionals, should supply proposals to the Planning Board, who in turn could recommend them to the Town Board.

Motion by Ormiston, seconded by Esty to recommend the planning staff review the sign law and present ideas to the board. Discussion, None, Motion Carries 6-0, with Stewart abstaining.

Concept Plan Procedure

Polzella reviewed the procedure currently used for a concept plan: The Planning Board is only required to listen to the proposal and provide written comments to planning staff. Comments for proposals at tonight's meeting should be presented to Polzella by April 8, 2008. He will then forward those comments to the applicant by April 18, 2008. For future concepts, written comments should be presented to planning staff within a week.

Young asked how this was different from what had been done previously. Polzella explained that the Applications Committee used to meet to review the proposals. Another option would be to have a concept plan committee in the future.

Stewart feels the board is being asked to make quick decisions on the items being presented, and he is not willing to make decisions that quickly.

Polzella stated he is offering his recommendation to hold comments and present them in writing. This plan is not being voted on at tonight's meeting.

Old Business

NYSEG Preliminary Site Plan

The conditional site plan approval is in front of the board for review. County and in-house staff has supplied favorable recommendation with conditions as read by Chair Piersimoni. At the request of NYSEG representatives, the board revisited the subject of having privacy slats in the fencing. One thing to consider is the slats tend to wear out and may not look good after weathering. There will be vegetation around the fencing, so perhaps the slats may not be right for this purpose.

**TOWN OF BIG FLATS
PLANNING BOARD MINUTES**

APRIL 1, 2008

PAGE 3 OF 7

1
2 Esty recalled NYSEG mentioning that privacy slats also encouraged public dumping.

3 Polzella stated that another condition that should be listed is that all utilities would be underground.

4
5 Stanley Lacombe, NYSEG Operations Manager, recalled that coniferous trees or shrubbery to screen for
6 Yawger Road, and for the southern boundary was also a condition.

7
8 Polzella stated that the southern boundary would be sufficient.

9
10 Younge asked Lacombe what size trees would be planted and was told approximately 6 foot. Younge then
11 questioned the condition of all utilities being underground. She recalls that along Yawger Road it was
12 mentioned NYSEG would prefer otherwise.

13
14 Lacombe explained that NYSEG's concern, other than cost, is digging up and tapping into the line for new
15 customers.

16
17 Esty inquired as to whether the requirement to bury all utilities underground was a law. Polzella is not
18 aware of any such law, and Lacombe believes the law refers only to school property and subdivisions.

19
20 Stewart commented that it makes sense to leave them above ground for future development.

21
22 Piersimoni reviewed the site plan conditions:

- 23 ▪ They are to be revised to reflect the board's decision regarding underground utilities
- 24 ▪ Remove the requirement to have privacy slats in the fence.
- 25 ▪ Minimum height of trees shall be 6 ft.

26
27 **Motion to approve the amended preliminary and final site plan, with conditions, by Muir, seconded**
28 **by Stewart, Discussion, None, Motion Carries 6-0 with Ormiston abstaining.**

29
30
31 ACP Food Processing Facility Preliminary and Final Site Plan

32 Polzella presented newly submitted documents from MRB Group and Fagan Engineers along with a letter
33 from Larry Wagner, DPW Commissioner.

34
35 Ron Sherman, of MRB Group, explained he used the town site plan regulations as a checklist to review
36 the submission and has written a report presenting any needed clarifications. He noted that the originally
37 submitted plans were a few items short for preliminary. Gensel has presented a letter stating all the items
38 requested have been addressed, however Sherman has not yet reviewed them.

39
40 Polzella recommended the board give both preliminary and final approvals conditional on the MRB
41 report (with exception to Section D, pertaining to building permits), and also subject to Wagner's DPW
42 report. Final approval will expire if MRB is not satisfied by April 8, 2008.

43
44 Younge feels it is very difficult to vote on both the preliminary and final plan due to the fact the board is
45 reviewing this information for the first time at tonight's meeting.

46
47 Polzella reiterated that final approval would expire if MRB were not satisfied by April 8, 2008.
48
49

**TOWN OF BIG FLATS
PLANNING BOARD MINUTES**

APRIL 1, 2008

PAGE 4 OF 7

1 Esty said that although conditional approvals have been hard to follow up on in the past, this follow-up
2 seems to be in place.

3
4 Polzella concurred, saying he will not move forward on signing until all conditions have been met.

5
6 Sherman met with Wagner this afternoon and briefly went over the items in his letter. These are standard
7 water conditions, and he does not see any problems.

8
9 Stewart agreed that the items being asked for are basic construction requirements.

10
11 **Motion by Stewart, seconded by Byland, to accept as preliminary and conditional final, with final**
12 **expiring on April 8, 2008 if conditions of MRB, (excluding water) are not met. Discussion, None,**
13 **Motion Carries 7-0.**

14
15
16 New Business

17
18 Ruhmel Subdivision

19
20 Piersimoni opened the Public Hearing at 7:10 stating it was duly published in the Star Gazette

21
22 Public Comments – None

23
24 Public Hearing Closed at 7:11

25
26 **Motion to accept as final plat by Esty, seconded by Muir, Discussion, None, Motion Carries 7-0.**

27
28
29 Bravo Subdivision

30
31 Piersimoni opened the Public Hearing at 7:12 stating it was duly published in the Star Gazette

32
33 Public Comments – None

34
35 Public Hearing Closed at 7:13

36
37 **Motion to accept as final plat by Younge seconded by Esty, Discussion, None, Motion Carries 7-0.**

38
39
40 Harley Davidson

41
42 Piersimoni stated at this point the board has only seen the concept plan. A motion is needed to declare the
43 lead agent for SEQR review.

44
45 **Motion to declare the planning board lead agency for SEQR Review by Younge, seconded by**
46 **Ormiston, Discussion, None, Motion Carries 7-0.**

**TOWN OF BIG FLATS
PLANNING BOARD MINUTES**

APRIL 1, 2008

PAGE 5 OF 7

1 The applicant has stated that although their proposal would conform to the area variance criteria using the
2 existing building, their intention would be to make a much larger investment. The plan does fit in the
3 Town Center (TC) plan and would be a welcome addition.

4
5 **Motion by Stewart, seconded by Byland, to refer the area variance application to the ZBA with a**
6 **favorable recommendation, Discussion, None, Motion Carries 7-0.**
7

8
9 A Special use permit would also be needed from the Town Board to continue the non-conforming use of
10 vehicle sales.

11
12 **Motion by Esty, seconded by Byland, to refer the special use application to the Town Board with a**
13 **favorable recommendation, Discussion, None, Motion Carries 7-0.**
14

15
16 Chesapeake Concept

17 Planning Board Member Stewart recused himself from the concept plan discussion.

18
19 Scott Rotruck, Vice President of Corporate Development introduced himself and began his presentation.
20 He stated that Chesapeake is originally from Oklahoma and is the number one driller of gas in the United
21 States with 6000 employees. They are very optimistic about New York State.

22
23 The architect presented an illustration of a prototype pre-engineered metal building as it would appear on
24 Daniel Zenker Drive. He noted this was an award winning metal building with the detailing carefully
25 done in a planned methodical way. The building would hold thirty (30) offices. The lay-down area to the
26 sides and behind would be gravel and enclosed by a gated fence.

27
28 Esty asked how the company planned to use the outside storage area.

29
30 Rotruck answered it would be used for holding pipe and other things for operations. Most of the
31 equipment is delivered to the site being worked on. Any material stored in the lay-down yard would not
32 rise above the fence.

33
34 Esty inquired as to the hours of pipe delivery.

35
36 Rotruck responded that the hours could be limited. They want to be good neighbors and would do what
37 they could to be just that.

38
39 Esty asked what type of equipment would be stored and wondered if separators would be included in that
40 storage.

41
42 Rotruck replied that he would check into it, however it is his understanding that this would be low laying
43 materials.

44
45 Esty questioned whether any reconditioning or repainting would be done in this area and was told no, it
46 would be storage only.

47

**TOWN OF BIG FLATS
PLANNING BOARD MINUTES**

APRIL 1, 2008

PAGE 6 OF 7

1 Rotruck explained that they do have to have some “backup”, however it would be as little storage of low
2 laying materials as needed for operations. Although every location is not the same, they do try to keep the
3 buildings consistently the same. The fences would be 6-ft high.

4
5 Piersimoni asked if there would be welding on site, and was told no. She then questioned what type of
6 trucks would be used for delivery.

7
8 Rotruck answered it could be any variety of truck – small or large. Perhaps a couple of semis per week
9 total, along with equipment trucks. The hours of office operation are 7:00am to 5 or 6 o’clock at night.

10
11 Piersimoni asked what hours they would be taking equipment to other places.

12
13 Rotruck stated that in an emergency, they may be delivering outside of office hours, but by and large they
14 would not. Approximately thirty personal vehicles will be parked outside on a continual basis. The
15 maximum number for parking is forty-seven.

16
17 Esty commented on the delivery of pipe and other steel parts, citing the town’s two accesses. A number of
18 roads in the area have been destroyed by drilling vehicles.

19
20 Rotruck said they would not allow anyone to operate a truck out of compliance. If there is one entrance
21 better than another, they would have no problem with that. They want to be here a long time and be good
22 neighbors.

23
24 Younge asked how the site would be landscaped.

25
26 The architect stated indigenous plants would be used. He also noted that green building materials are
27 often used, and the Company CEO would not allow buildings above four stories.

28
29 Younge questioned the water needs and was told water would be needed for the restrooms, kitchenette
30 and wash bay.

31
32 Tim Steed further noted the building would use approximately 1000 gals per day. In 2006 Fagan
33 Engineers built a wastewater pump station located in back of X Gen. This station is of sufficient size and
34 depth for the needed connections. There would be sufficient water supply as well. Public water and
35 wastewater facilities would be preferred. The waste would be office waste only, and the dumpsters
36 outside would be shielded.

37
38 Younge asked about the proposed lighting. The architect explained that the general lighting in the lot
39 would be kept down to a minimum using night sky top lighting. The lay down yard would have lighting
40 as well.

41
42 Muir stated although he sees no problems regarding the proposed office building, the vehicle storage and
43 lay down yard are cause for questions and concerns. It does not meet zoning as it currently exists. Muir
44 understands lay-down yard as meaning fabrication to be shipped out. Muir also commented he did not
45 notice any kind of containment for oil, gas and fluids.

46
47 Rotruck said the materials would be in tact and ready to go. The intent is not to build, but to store things
48 that would be needed quickly. Drainage would be done according to law.

49

**TOWN OF BIG FLATS
PLANNING BOARD MINUTES**

APRIL 1, 2008

PAGE 7 OF 7

1 Esty asked Rotruck if he was prepared to make a commitment in writing addressing these concerns.

2
3 Rotruck responded yes, they want to be good to their word. They are willing to be specific in terms of the
4 lay down yard.

5
6 Muir commented that a construction yard is not permitted in the Business Neighborhood 2 (BN2) district
7 per town code.

8 Esty questioned whether this would be an office or a construction yard.

9
10 Rotruck stated first and foremost it is an office, however, it makes logistical sense to have everyone in
11 one location, including the storage yard. The reason for the large storage yard is the size of materials, and
12 the space needed to lay down those materials. It also accommodates the needed turning radius. Rotruck
13 reiterated the fact that they would be willing to abide by whatever the town requires. His understanding is
14 this lay-down yard would simply be for storage items, but he will find out for sure.

15
16 Correspondence

17 Rhodes Withdrawal – This application was withdrawn without prejudice due to the fact it was denied by
18 the ZBA.

19
20 Members Comments

21 None

22
23 Active Applications (For Reference/Tracking Purposes Only)

24 Simmons Rockwell

25 Holden Subdivision

26
27 **Motion to adjourn at 7:50 by Muir, seconded by Esty, Discussion, None, Motion Carries 7-0.**

28
29 **Meeting adjourned at 7:51pm.**

**TOWN OF BIG FLATS
PLANNING BOARD MEETING**

MAY 6, 2008

6:30PM

REGULAR MEETING

PRESENT: Angela Piersimoni, Lance Muir, Scott Esty, Lee Younge, Jim Ormiston, Bill Stewart,
Carl Maslar

ABSENT: Bob Byland

STAFF: Stephen Polzella, Interim Planning Director, Brenda Belmonte, Planning Board Secretary

GUESTS: Michael Hughson, Mike Smith, John P. Wren, Roger Allaire, Annmarie Allaire,
Thomas M. Wren, Mary Ann Balland, Jim Appier, Thomas Clark, Jamie Gensel,
Marcia Hudock, Ann Crooke

AGENDA

The board agreed with the agenda as presented.

Polzella distributed individual work sheets to the board. He explained these were for each member to offer his or her personal points and comments throughout the meeting. They will be collected and presented at the next meeting along with the regular minutes.

MINUTES

Chair Piersimoni asked for any corrections before accepting and approving the minutes of April 1, 2008.

Stewart noted that his comments on page 2, line 36 and 37, were pertaining to the review sign law, and should be placed accordingly, on page 2, line 21.

Motion by Esty to approve the minutes of April 1, 2008 as corrected, seconded by Stewart, Discussion, None, Motion Carries 6-1 with Masler abstaining.

REPORTS

Ann Crooke, Airport Manager gave a presentation on the proposed parking lot project. The entrances will be side by side, two entrances for each lot. There will be an addition of approximately 100 spaces. The long-term parking lot continues to be full presently whereas the short-term lot is often empty. Adding more spaces to the long term will allow the remaining lot to be short term and / or preferred parking. The short-term area will increase from 114 to 139 spaces. Also, a cell phone waiting area of 10 spaces will be added. The front drive will narrow, which will allow for more parking spaces to be added. Crooke is expecting a contractor on board in approximately one month, and will have a schedule of contracting at that time. She is hopeful the project will be done by late fall. Phase 3 of the total 6 six phases will present the most inconvenience, however they will do their best to present good signage.

Muir asked where the handicapped parking would be in the long-term lot.

Crooke stated it would be located closest to the front of the building.

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1 Muir then asked if there would be overhead signs in the roadway entrance. He feels they are much more
2 directionally direct than side signs.

3
4 Esty commented that he lives near there, and some people cannot figure out where the entrance to the
5 airport is.

6
7 Crooke believes the plan includes a bigger sign, which will be more visible from each side. She feels
8 better signage should make the entrances more obvious.

9
10 Young asked if there would be any changes to the existing exits to Sing Sing Road. Crooke answered no,
11 the funding is tight for their plan as it is. The only issue from the county is having room to throw the snow
12 with the plow. Crooke's biggest fear is they will still be short of parking spots after completing the
13 proposed plan.

14
15 *Design phase of new apron*

16 Crooke explained that any planes that come in during the Watkins Glen race park at the airport. Federal
17 Express also uses the parking lots at night.

18
19 The hangars are going to cost more than initially figured. The intent is to move the remaining four and
20 add them in a different area.

21
22 Ormiston suggested looking into wind conversion to save energy.

23
24 Crooke said she welcomes ideas, and would meet with anyone desiring to do so.

25
26 *Environmental assessment*

27 The environmental assessment is a requirement of the FDA before any funding is approved. The
28 assessment goes in depth to explain the reason this project is needed. There are several steps involved in
29 this plan. The redesign to Sing Sing Creek will be laid out in the proposal.

30 Groundwater is a concern with houses and wells in that area along with the impact on the aquifer. Key
31 issues include noise, floodplains, groundwater and aquifers. There is nothing conclusive to report to the
32 planning board members at this time. Chemung County is the lead agency for SEQR.

33
34 **Chesapeake Letter**

35
36 Polzella reviewed the letter sent in response to Chesapeake Energy. The letter covers the code issues that
37 exist in their concept plan. The letter also contains thirty comments from the planning board members.
38 Polzella reviewed the key points in the letter, explaining a use variance would be needed if the applicant
39 were to continue. The office space is a permitted use. The accessory use of outdoor storage yard does not
40 fit in with the neighborhood and is not permitted in this district. It would be up to the ZBA to review a use
41 variance.

42
43 Piersimoni noted the letter was sent today, so it will be some time before we hear back.

44
45 **Irschimser Windmill Application**

46
47 Wind conversion is not permitted in the Residential 1 (R1) district. Polzella will send a letter to Irschimer
48 to inform him of that. The applicant has also requested to be rezoned to Rural (RU), which would allow a

**TOWN OF BIG FLATS
PLANNING BOARD MEETING**

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windmill. There would be some obstacles for him to continue with this request. In order to receive a zoning change, an applicant must receive signatures of support from 50% of those in the current zone.

Proposed Zoning Changes

These changes were proposed jointly between Polzella and various town board members. Polzella distributed the proposed changes stating the town board is asking the planning board to review them. He explained each change, along with some corrections made from the previous proposal. There would be a language change requiring a special use permit for the expansion of a non-conforming structure.

There are also a number of map changes being considered:

Extending R1 from Thunderbird Greens to the Synthes project.

Extend R1 to include the County Route 64 study.

Masler asked who proposed the changes.

Polzella said there were various requests from outside people.

Younge asked what the purpose of the changes was.

Polzella stated the purpose is to expand the residential district, and to accommodate requests by individual landowners. He said the planning board has 45 days from this past Friday to make any comments. The town board is asking for comments as soon as possible. Polzella would review any comments before recommending any changes.

Esty asked about a lot, which appeared to be landlocked. Polzella explained that the property is currently under one ownership and is not landlocked.

Masler asked for lot requirements and was told 35,000square feet with no sewer or water.

Stewart asked where the contractor's equipment yard was located previous to the change and was told nowhere.

Polzella read the definition of contractors equipment yard.

Stewart feels we need to put a lot of thought to the definition of contractors equipment yard. If no one has a permitted use right now, it is not allowed.

Esty said the RU district permits uses that are not allowed in the R1 district. He would like to hold off making any recommendations until the planner researches the definitions of contractor's equipment yard.

Muir asked if Esty wanted to hold off on all changes just because he is not happy with one, to which Esty replied yes.

Stewart feels it is too vague and would like to recommend it be postponed until they receive the definition of contractor's yard from the planner.

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Polzella stated he would send this definition to the members. He said typically the planning board sends these changes to the town board, however, in this instance it has been received from the town board.

Esty suggested the board first gather all the information.

Stewart proposed to have a meeting two weeks from now.

Balland stated she would prefer to wait until we have a fulltime planner, which will be the first of June.

Stewart feels this change could impact a lot of people.

Balland said she will request the town attorney be present at the next meeting.

Esty made a motion, seconded by Younge, to table the proposed zoning change decision until the next scheduled meeting, Discussion, None, Motion Carries 7-0.

Meetings Schedule through December

This schedule will take us through the end of the year. Polzella feels this schedule is working out very well.

Motion to approve the meetings schedule for the remainder of 2007 by Stewart, seconded by Ormiston, Discussion, None, Motion Carries 7-0.

Old Business

Harley Davidson

The applicant's request for an area variance was approved at the ZBA meeting on April 22, 2008.

Their application for special use will be acted on by the town board at their meeting on May 28, 2008.

New business

Mike Smith Gravel Mining

Piersimoni explained that Mr. Smith has received a DEC permit for mining, however he still needs to abide by local law. At this time the application will be referred to the Zoning Board of Appeals. The land in question is in the flood plain, the aquifer, and is bordering the river.

Younge asked what the distance was between the river and the proposed mining area.

Smith stated there is a 200' setback; it is 25 acres out of the 276 he owns there.

Muir feels some things need to be clarified.

Smith said the required studies have been done.

Polzella said the key point is that this is in the Conservation District and not allowed per town code. He then read the town code pertaining to such. The ZBA is looking for a recommendation from the planning board as to how they should go forward with this plan.

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1 Smith commented that the proposed River Plan would be going through his property. He restated that
2 there is a 200' buffer zone. Smith said he is not making a living by farming this area. It has been flooded
3 four or five times. He is presently growing strawberries, but this is probably the last year. He feels there
4 is nothing else that can be done there. It is a floodway. He has lost animals, machinery and crops. The
5 gravel mining, with a life expectancy of 25 to 30 years, is his only resort. There is a lot of material in this
6 area.

7
8 Younge asked about the reclamation plan, and Smith said it had been submitted. No material would be
9 brought in to the site. All material would be taken out. There would be a 30 second delay for traffic
10 leaving the area. Smith stated he has completed all the required studies. There would be a maximum of
11 three to four trucks an hour. The traffic study was done at the worst time of day, and it went well.

12
13 Stewart feels it fits well conservation wise, and hopes Smith would rebuild aesthetically.

14
15 Piersimoni stated her concerns regarding the aquifer.

16
17 Stewart asked if Smith intended to drag.

18
19 Smith said not at this time, but perhaps in the future.

20
21 Muir would like to see the forms mentioned earlier.

22
23 Smith stated the planner should have them. He then asked what he could do in this area to make a living.
24 He feels there is nothing he can do without putting people at risk.

25
26 Younge commented that it is not their job to help him make a living; it is more what is right for the
27 community.

28
29 Smith replied that if he left the land vacant it would grow up, and that is the worst he could do because it
30 would restrict water flow. Smith feels the floods are the biggest concern.

31
32 Masler realizes gravel is needed for several projects in the area, however he wonders if this is the place to
33 mine for it.

34
35 Muir said the town code states it is not allowed. We cannot arbitrarily go against the code.

36
37 Polzella recommends returning this to the ZBA with no comment.

38
39 Stewart would like to review this more. He feels it is an excellent spot in Big Flats for this mining. If it
40 is sent to the ZBA, will they deny it automatically?

41
42 Polzella said they would review it fairly.

43
44 **Motion by Younge, seconded by Piersimoni to send the Smith Gravel Mining application back to**
45 **the ZBA with no comment, Discussion, None, Motion Carries 6-1 with Masler voting against.**

46
47 Muir feels the board was not prepared to address this as a planning board tonight and they need to be
48 more cognizant in the future.

49

**TOWN OF BIG FLATS
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Allaire Subdivision

Polzella explained this is a re-subdivision, which was submitted to Justin Woods. Since Polzella and Tom Dobrydney have been here they have interpreted it a bit differently. Polzella explained the existing lot lines and the proposed change. He referred to section 16.04.020 (pg.190) of the town code regarding resubdivisions and recommended this application process be waived due to it being such a simple subdivision plan. The applicants would submit a map to be filed with the county.

Motion by Muir, seconded by Esty, to waive the need to go through the subdivision application process, Discussion, None, Motion Carries 7-0.

Simmons Rockwell, Colonial Drive

Polzella stated that he and Tom Dobrydney have been working fairly closely with Jamie Gensel on these plans to ensure things are done right. His recommendation is to accept this as a preliminary plan only. Polzella and Dobrydney have reviewed this several times, along with the departments of Code Enforcement, DPW, Water, and Highway. Polzella said rain gardens have been suggested and accepted. A rain garden is designed to absorb rainwater runoff from urban areas such as driveways. Gensel stated it would be landscaped with appropriate special plants.

Younge said this has been done in Owego, and turned out very well.

Piersimoni's concern is the number of curb cuts coming off Colonial Drive. Polzella said they would get back to that comment.

Gensel stated this is all within a two-year time frame.

Polzella addressed the initial lighting plan. During the staff meeting there was discussion pertaining to time restraints on the lighting; would the lights need to be on full when they are not open for business.

Polzella then began a discussion regarding road cuts. Even though it is not a town road, his worry is the number of proposed cuts would cause a traffic-looping situation, which appears dangerous. He recommends closing different areas for parking, leaving the remainder for storage.

Stewart's concerns are with the truck traffic and the area for dropping off vehicles. The key issue is the loading and unloading of these vehicles. He would like to see a place for trucks to drop off cars implemented into the plan.

Younge asked where the snow would be placed, and Gensel replied "all over".

Piersimoni asked where the sign would be located. Polzella said originally there were two signs, however now it is down to one.

Gensel reviewed the stormwater; no gravel was found. If it turns out there is no perking and they have to add bubblers they will do so. Gensel said he has spoken with Paula at DEC and retention basins don't work well. He has added four drywells to the site.

Polzella commented that in the past there has been a preliminary and final approval granted the same night. This preliminary plan will be forwarded to the county for review, and would come back at the

**TOWN OF BIG FLATS
PLANNING BOARD MEETING**

MAY 6, 2008

June 3, 2008 meeting for final.

Stewart made a motion, seconded by Masler, to accept as a preliminary plan with incorporated conditions, Discussion, None, Motion Carries 7-0.

Stewart noted that the Reynolds Subdivision final approval was missing the addition of town holidays to be observed along with Sundays. Polzella will make those corrections and will send the amendments out as soon as possible.

Correspondence

Simmons Service Center Sign & Awning
Rhodes Withdrawal
Reynolds Approval
IST Letter
Schweizer Work Plan
Mike Smith Permit

Active Applications (For Reference/Tracking Purposes Only)

Holden Subdivision

Members Comments

Rural Stormwater Training will be held on two separate dates in June and will be accepted towards the annual training requirements for members.

Polzella distributed new applications for next month's agenda from Harley and the Hampton Inn. There will most likely be at least one more revision on each. If there are any questions on these as preliminary plans, email him as soon as possible.

Younge will not be present at the meeting on June 3, 2008.

Stewart commented that he called Polzella regarding the Chesapeake letter. There was concern from Chesapeake that they were not hearing anything.

Balland replied we do not have a full time planner. The letter was submitted to town attorney Tom Reed who was on vacation. She contacted Reed and the letter was reviewed as soon as possible and returned to Polzella. Balland said the planners will be on board full-time at the end of the month.

Muir feels it was a delay as it refers to Tom Reed.

Balland stated Reed is entitled to a week of vacation. If the planning board is having an issue with him, they need to let her know. The town board has no issues with him.

Stewart's only concern is communication.

Polzella was in contact with Hunt and with Gary Thompson several times over the month. He distributed the letter to the board today.

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PLANNING BOARD MEETING**

MAY 6, 2008

1 Balland explained the status of hiring a new code enforcement officer. Civil Service has said that whoever
2 was hired would need to be let go when the new list comes out August 12, 2008. Tom Skebey and Tim
3 Gilbert will interview the three candidates.

4
5 **Motion by Stewart seconded by Younge to adjourn at 8:50, Discussion, None, Motion Carries 7-0.**

6
7 **Meeting adjourned at 8:51.**

8
9
10 **For the record:** Comment worksheets were collected and will be filed in the planning office.
11
12
13



**TOWN OF BIG FLATS
SPECIAL MEETING OF THE PLANNING BOARD
JUNE 12, 2008**

AGENDA

**6:30PM
SPECIAL MEETING
Big Flats Community Center**

PRESENT: Angela Piersimoni, Scott Esty, Lance Muir, Jim Ormiston, Bill Stewart, Lee Younge, Carl Masler, Bob Byland

ABSENT: None

STAFF: Stephen Polzella, Planning Director, Thomas Dobrydney, Planner, Brenda Belmonte, Planning Secretary

GUESTS: John P. Wren, Glenn R. Farr, Marcia Hudock, MaryAnn Balland

New Business

**RESOLUTION P-2007-14
Zoning Amendments from Town Board
Favorable Recommendations with changes**

Resolution by: Esty
Seconded by: Ormiston

WHEREAS, this Board has received a referral for planning board review of proposed zoning amendments from the Town of Big Flats Board on May 2, 2008; and

WHEREAS, Chapter 17.60.140 of the Town of Big Flats Municipal Code requires said review; and

WHEREAS, Resolution P-2008-9 referred four of the five proposed amendments to the Town of Big Flats Board with favorable recommendation pending corrections in Appendix A of said resolution; and

WHEREAS, the remaining amendment, "Contractor's Equipment Yard", was discussed further in a special meeting of the planning board on June 12, 2008; and

WHEREAS, the planning board voted Six (6) in favor and One (1) against adding "Contractor's Equipment Yard" to the list of favorable recommendations pending corrections in Appendix A of resolution P-2008-9 and adding the word "active" to the definition of "Contractor's Equipment Yard"; and

WHEREAS, the proposed revised definition would read, "any space, whether inside or outside a building, used for the storage or keeping of active construction equipment, machinery, or vehicles, or parts thereof, and/or building materials, soil and/or stone stockpiles"; and



**TOWN OF BIG FLATS
SPECIAL MEETING OF THE PLANNING BOARD
JUNE 12, 2008**

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WHEREAS, the planning board wholly submits a favorable recommendation of the proposed zoning amendments pending corrections identified in Appendix A of resolution P-2008-9 and in this resolution; and

NOW, THEREFORE BE IT RESOLVED, to make favorable recommendation to the Town of Big Flats Board on the proposed zoning amendments pending corrections identified in Appendix A of resolution P-2008-9 and in this resolution.

Polzella explained that he and Dobrydney had reviewed 50 or more different municipalities' definitions of Contractor's Equipment Yard. Staff feels that the Town Board's proposed zoning amendment language regarding "Contractor's Equipment Yard" is consistent with other communities who have decided to regulate such a use.

Ormiston feels "contractor" is an extremely general term, with too many services associated with it. He suggested the use of "construction contractor".

Polzella stated the definition is covered in Section 17.04.050 of the town code.

Ormiston also believes there are a couple of generic terms in the definition and feels items such as soil, gravel, paving materials, and even containers of liquid chemicals should be included.

Polzella referred once again to the definition, which includes soil and /or stockpiles. He said all the definitions contain a few minor words here or there, but this is a pretty consistent definition.

Esty's concern is this type of storage being limited to these two zones. What would be the code enforcement process if, for example, a contractor lives on a farm and has two bulldozers and a backhoe?

Polzella answered it would be just like any other situation. Someone would file a complaint, which would be followed by a site visit along with most likely some type of courtesy notice. Code Enforcement would then pursue it with the appropriate action(s). Polzella does not feel this will become an immediate "witch-hunt". As it currently stands, Contractor's Equipment Yard is not listed anywhere. We have a definition, however it is not listed anywhere as far as zoning.

Esty has no problem with allowing it in two zones. He is concerned that people currently doing this in the RU district would need to find a new place.

Polzella said that is where we are at in the discussion process. He and Dobrydney recommend at this point including it with Industrial and Commercial Light Industrial. If the Planning Board feels it should also be included in the Rural District, it would be something to be considered. He referred to the review from other areas saying some allow it in their B2 district with a special permit, or in their Industrial district with a site plan. Even one prohibited it in their Town Center.

Younge assumes agricultural is exempt?

Polzella said yes, "contractor" is the key.



**TOWN OF BIG FLATS
SPECIAL MEETING OF THE PLANNING BOARD
JUNE 12, 2008**

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Younge asked what if, in an agricultural district, a farmer allows a contractor to store their equipment.

Polzella said that becomes part of the investigation of the code enforcement. Obviously there are always loopholes to everything. It would be complaint-oriented enforcement.

Piersimoni noted a lot of definitions state “active use”, which is what she feels we would want. There are a number of things to consider.

Stewart stated his primary concern has not changed. It is for the guys who have been in business and living here for the last 50 years and we are going to tell them they have to move. It is not fair for a man to invest his life and have this board tell him he has to move. He does not feel that is politically correct, and his conscious will not live with that. They should somehow be grandfathered before we rezone. We don't have any contractor's yard.

Balland said we have a Contractor's Yard on Hammond Street. He is pre-existing non-conforming, and she spoke with him today.

Polzella stated they would be grandfathered in, and Balland agreed.

Stewart said that was his question before, and he was told ‘no’, and that was his biggest issue. He believes we need to keep control, but those that already exist need to be considered.

Polzella explained that actual existing contractor's yard would be grandfathered, not individuals.

Balland spoke to Mr. Keeler today. His property has been rezoned for a long time. The use will remain until the business goes away. That is the only yard that she knows of.

Stewart asked if Thresher's is in Town Center.

Balland questioned if there was an actual contractor's yard there.

Stewart said yes, that is where he stores his equipment.

That would be a pre-existing non-conforming use along with Duane Gardner's.

Stewart said most of the circumstances given as examples are non-residential. He agrees we should not have construction yards in people's back yards.

Esty stated there is sort of a threshold here. We need to take into consideration the small guy. Some people may just have a backhoe.

Balland said technically we should have Code Enforcement check to see if they would be violating the code. We do not want to put anybody out of business. That is not what this is about.

Stewart explained his biggest concern is that we would impact our own people.



**TOWN OF BIG FLATS
SPECIAL MEETING OF THE PLANNING BOARD
JUNE 12, 2008**

AGENDA

Masler asked if being grandfathered meant after one year and one day; if you don't use it you lose it?

Polzella explained if it is vacant and not used within one year they would need to go through the site plan process and special use permit process again.

Muir said the intent of the code is to get rid of the non-conforming use.

Polzella read Section 17.56 of the code pertaining to existing non-conforming use and the discontinuance of such use.

Esty would like to consider allowing it as proposed, along with maybe a smaller use being allowed in the RU district – perhaps sole proprietorship.

Polzella recommends approving all five, and making another motion to consider other changes. He referred to Cortland County's definition, which lists seven different requirements that need to be met. This would make for a more stringent policy. Polzella suggests opening up another committee to review these changes. He also said being that so many other municipalities use the same definition, it seems appropriate to use the same verbiage. This is standard, across the board language according to the study.

Esty likes the definition of 'active' use of materials, such as in the New Paltz definition, to discourage a dump yard.

Piersimoni also feels 'active' should be added to the current definition, but feels further research is needed.

Motion by Muir, seconded by Byland to make a favorable recommendation pending corrections in appendix A to the Town Board. Discussion; Esty would like to add the word 'active' part. Motion does not carry with Stewart, Esty, Ormiston, and Younge voting against.

Motion by Muir, seconded by Stewart to adjourn at 6:54, Discussion, None, Motion Carries 7-0.

Meeting adjourned at 6:55.

CARRIED: **AYES:** Esty, Ormiston, Piersimoni, Muir, Younge, and Masler
NAYS: Stewart
ABSENT: None

Dated: Thursday, June 12, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
JULY 1, 2008**

6:30PM

REGULAR MEETING

Big Flats Town Hall, Court Room

PRESENT: Angela Piersimoni, Scott Esty, Jim Ormiston, Bill Stewart, Bob Byland,
Carl Masler

ABSENT: Lance Muir

STAFF: Stephen Polzella, Planning Director, Thomas Dobrydney, Planner, Brenda Belmonte,
Planning Secretary

GUESTS: Donna Wren, Marcia Hudock, James Gensel, David Lubin

MINUTES

June 3, 2008

June 12, 2008

Motion by Ormiston seconded by Byland to approve the minutes of June 3, 2008 and June 12, 2008,
Discussion, None, Motion Carries 7-0.

REPORTS

Simmons Rockwell Colonial Drive Update

Polzella reported they are working moving earth within their SPEDES permit. We are watching it quite closely.

NYSEG Yawger Road Update

NYSEG has been granted their building permit, and are moving forward.

Esty questioned the moving of earth, saying they have created a mountain of topsoil.

Polzella is sure it is in accordance with the grading plan.

Stewart explained the soil would eventually be dispersed around the property.

Polzella agreed, and said the new staff reports contain a section regarding the amount of dirt being moved, and where it is moved.

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
JULY 1, 2008**

Demets Candy Factory Update

They are working within their building permit.

Esty commented on the amount of dirt being carried, leaving stones all along the roads. He has called Larry Wagner who suggested he call the county. Balland said she would call Andy Avery tomorrow.

Stewart stated that a construction entrance has been built which does leave gravel.

Esty said the new road was not seen in the plans.

Polzella explained it is only a construction access - it will be removed. The reason it was not seen previously is the driveway had not been designed at that time.

Stewart believes they did the right thing. Where they have gone is the best access – it is just that we did not know it was going to happen.

Polzella explained it is ultimately the IDA property and they will want to get it back in shape on their own.

Gensel stated it is actually Pro Vision's property and will need to be restored back to it's original condition.

Stewart commented that Simmons Rockwell have been parking vehicles on the rocks for the past month or two. Dobrydney has also noticed this and will remind Code Enforcement.

OLD BUSINESS

RESOLUTION P-2008-15

AMERICAN TWIN HARLEY DAVIDSON

ACTION ON PRELIMINARY SITE PLAN TABLED

Tax Parcel 66.02-2-56

Resolution by: Ormiston

Seconded by: Byland

Piersimoni reviewed the staff recommendation along with the proposed resolution.

Polzella noted this is the first meeting that we are going through the full process. The staff report has been supplied and any questions can be addressed at this time.

Younge questioned the section of the report stating there would be a sanitary sewer once it was constructed. What would be done in the meantime?

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
JULY 1, 2008**

1 Gensel answered that it all depends on the timing. The building would be active in the spring of 2009. If
2 the sewer is constructed by then, they will be all set. If not, a temporary system will be in place.

3
4 Esty commented on the buffer yard requirements. There are different uses – the proposed lot is not
5 contiguous to the fire department.

6
7 Dobrydney said the fire department area is not currently actively used. However, it could be used in the
8 future for training, fire trucks, etc.

9
10 Gensel is confident the buffer yard can be taken care of with an update on the next site plan.

11
12 Younge mentioned the SEQR section to be completed by the Planning Board. How will the board deal
13 with this issue at the correct time in the future?

14
15 Dobrydney answered they could acknowledge the staff recommendation or change it. He also said it is
16 public record and he doubts that legally it needs to be on a verbal record. For example you do not have to
17 verbally read a resolution before it is adopted.

18
19 Younge stated maybe we would want to. The Planning Board has always done it at their meetings where
20 the concerns are addressed.

21
22 Dobrydney explained if there are any comments, the applicant is presented with that information.

23
24 Esty asked when the application for special permit would be in front of the Town Board.

25
26 Polzella said the Town Board is waiting for more information - perhaps the second meeting in July.

27
28 Stewart commented on the sound control, stating there would be no control over the bikes that come into
29 the lot. He has a major concern in regards to noise in the Town Center. Bikes ride in pairs, triples, and
30 large groups. Stewart does not feel it is the proper location for this business and that we are asking for
31 trouble. He is concerned with the amount of traffic that would be added to the Town Center. Hopefully
32 no injuries would be incurred at these four corners.

33
34 Piersimoni recalled the applicant had said there would be no outdoor events.

35
36 Polzella said a Harley dealership is a tourist stop. Stewart agreed saying people come in just for the tee
37 shirts.

38
39 Younge feels the only solution to these concerns would be to build it somewhere else.

40
41 Stewart agreed – it is not in a vehicle sales area, bottom line.

42
43 Esty recalled the applicant saying their volume is three per week.

44
45 Stewart does not believe they would be spending three million dollars to sell just two or three bikes a
46 week.

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
JULY 1, 2008**

1 Younge referred to the three residences on Palmer Road and how they would be affected. Is Palmer Road
2 going to be closed?

3
4 As part of the staff report, the Planning Board is recommending Palmer Road be closed off and only
5 Lederer Road be used.
6
7
8
9

10 **WHEREAS**, this Board has received an application for site plan review for a new Harley Davidson
11 dealership on March 14, 2008; and
12

13 **WHEREAS**, the Town of Big Flats Zoning Board of Appeals granted an area variance on April 22, 2008
14 providing relief to allow the reconstruction of a non-conforming use beyond the allowable 50% of the
15 assessed value; and
16

17 **WHEREAS**, this Board tabled any action on the preliminary site plan review; and
18

19 **WHEREAS**, this Board is seeking additional information from the applicant and the Town of Big Flats Board;
20 and
21

22 **WHEREAS**, a staff report, dated June 24, 2008, will be forwarded to the applicant; and
23

24 **NOW, THEREFORE BE IT RESOLVED**, to table action, upon consent of the applicant, on the
25 preliminary site plan review until more information is obtained.
26

27 **CARRIED:** **AYES:** Esty, Ormiston, Piersimoni, Byland, Younge, Stewart and Masler
28 **NAYS:** None
29
30

31 Dated: Thursday, July 1, 2008
32 BIG FLATS, NEW YORK

33 By order of the Planning Board of the Town of Big Flats
34 ANGELA PIERSIMONI
35 Chairman, Planning Board
36
37

38 **HAMPTON INN, ARNOT ROAD**
39 **ACTION ON PRELIMINARY SITE PLAN TABLED**
40 **TAX PARCEL # 58.03-1-1.5**
41

42 Staff recommendation is to table the application until more site plan information is presented.
43

44 Gensel asked for any comments from the Planning Board that need to be addressed.
45

46 Esty referred to the staff comments regarding one of the light poles shining on a neighbor. If it lights an
47 entrance for safety issues, why would we enforce a law that does not make sense?
48

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
JULY 1, 2008**

1 Polzella said it does make sense. It does not matter who owns the adjacent property. Our job is to follow
2 the Town Code, which prohibits light shining on a neighboring lot.

3
4 Gensel mentioned having a shared driveway.

5
6 Polzella stated we have not seen a shared driveway in the plans. As a matter of fact, the neighboring
7 Hilton is not shown in the site plan.

8
9 Gensel said it is shown in the aerials.

10
11 Polzella explained it needs to be shown as a part of the site plan; the surrounding 1000 ft.

12
13 Younge is concerned with the proposed height. She feels we would need something from the fire
14 department saying they would be able to fight a 4-story fire. Younge would also like to see pictures. She
15 does not want the height of a building blocking the vision of the area.

16
17 Polzella said it should be suggested to the applicant to have this information ready for the ZBA meeting.
18 It could be a part of the recommendation to have these studies prepared for that meeting.

19
20 Piersimoni questioned the proposed walkway to the Hilton asking if it was for swimming.

21
22 Gensel replied each hotel has its own pool. The walkway would be for shared staff to get back and forth
23 between hotels.

24
25
26 **RESOLUTION P-2008-16**
27 **HAMPTON INN, ARNOT ROAD**
28 **Action on Preliminary Site Plan Tabled**
29 **Tax Parcel 58.03-1-1.5**

30
31 Resolution by: Younge
32 Seconded by: Esty

33
34 **WHEREAS**, this Board has received an application for site plan review for a new Hampton Inn on May
35 16, 2008; and

36
37 **WHEREAS**, the Town of Big Flats Zoning Board of Appeals referred, June 24, 2008, two (2) area
38 variances to this Board for review; and

39
40 **WHEREAS**, this Board refers the first variance, lot size, to the Town of Big Flats Zoning Board of Appeals with
41 an unfavorable recommendation; and

42
43 **WHEREAS**, this Board refers the second variance, maximum building height, to the Town of Big Flats Zoning
44 Board of Appeals with an unfavorable recommendation; and

45
46 **WHEREAS**, this Board is seeking additional information from the applicant and the Town of Big Flats Zoning
47 Board of Appeals; and
48

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
JULY 1, 2008**

WHEREAS, a staff report, dated June 24, 2008, will be forwarded to the applicant; and

NOW, THEREFORE BE IT RESOLVED, to table action, upon consent of the applicant, on the preliminary site plan review until more information is obtained.

CARRIED: **AYES:** Esty, Ormiston, Piersimoni, Byland, Younge, Stewart and Masler
 NAYS: None

Dated: Thursday, July 1, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

ANGELA PIERSIMONI

Chairman, Planning Board

HAMPTON INN, ARNOT ROAD

AREA VARIANCE REFERRAL – LOT SIZE

TAX PARCEL #58.03-1-1.5

Polzella feels an unfavorable recommendation of two variances is too harsh. Staff recommends it be sent back to the ZBA for determination. Staff also suggests the applicant come back with further information. The first variance is for lot size. Three acres are required and this lot is 2.8 acres. This will be strictly a ZBA determination.

RESOLUTION P-2008-16a

HAMPTON INN, ARNOT ROAD

AREA VARIANCE REFERRAL – LOT SIZE

TAX PARCEL #58.03-1-1.5

Resolution by: Stewart

Seconded by: Esty

WHEREAS, the Town of Big Flats Zoning Board of Appeals sent a referral to the Town of Big Flats Planning Board regarding review of an Area Variance for lot size on June 24, 2008; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter on July 1, 2008; and

NOW, THEREFORE BE IT RESOLVED, to refer this action back to the Town of Big Flats Zoning Board of Appeals for their determination.

CARRIED: **AYES:** Esty, Ormiston, Piersimoni, Byland, Younge, Stewart and Masler
 NAYS: None

Dated: Thursday, July 1, 2008
BIG FLATS, NEW YORK

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
JULY 1, 2008**

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

**HAMPTON INN, ARNOT ROAD
AREA VARIANCE REFERRAL – BUILDING HEIGHT
TAX PARCEL #58.03-1-1.5**

The second variance is for building height. Younge would like the ZBA to be aware of the Planning Board's concerns with the proposed height.

**RESOLUTION P-2008-16b
HAMPTON INN, ARNOT ROAD
Area Variance Referral – Building Height
Tax Parcel 58.03-1-1.5**

Resolution by: Younge
Seconded by: Piersimoni

WHEREAS, the Town of Big Flats Zoning Board of Appeals sent a referral to the Town of Big Flats Planning Board regarding review of an Area Variance for building height on June 24, 2008; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter on July 1, 2008; and

NOW, THEREFORE BE IT RESOLVED, to refer this action back to the Town of Big Flats Zoning Board of Appeals for their determination with recommendation to the applicant to come prepared to the hearing with a visual impact study and an engineering study for adequate fire protection.

CARRIED: **AYES:** Esty, Ormiston, Piersimoni, Byland, Younge, Stewart and Masler
 NAYS: None

Dated: Thursday, July 1, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

NEW BUSINESS

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
JULY 1, 2008**

KENT KRAUSS

TAX PARCEL # 76.01-1-5

Polzella explained the applicant has been through quite a lengthy process. Staff feels confident in granting preliminary and final tonight. The applicant needs to bring in copies of the final plans to be signed. Any other permits have already been taken care of. Krauss has been in contact with code enforcement to see what is needed for a Certificate of Occupancy. Polzella reviewed the conditions which include stockade fence, gravel, and paving within time guidelines.

Younge questioned the staff report stating the gravel plant would “mask the noise”.

Polzella feels the noise would noise would not make a big impact due to the other noises in the area.

Younge would like that amended in the staff report.

Stewart wonders who is going to implement all of these demands. Why don't we have Krauss put up a bond?

Polzella said the conditions can be monitored. If the stockade fence is not up by January 2, 2009 we can revoke the Certificate of Occupancy.

Stewart feels that is not enough incentive. We do not have code enforcement to the degree we would like.

Balland stated perhaps we have not been as vigilant in the past. We have crackerjack people in the department now. She does not disagree that sometimes you need something to get people to do what you want them to do.

Piersimoni agrees they need to be kept track of, and we need to be accountable.

Polzella feels that Krauss, as a small business owner, the possibility of taking away his ability to operate in a year and a half is quite a big carrot for him to worry about. Larger operations may be able to sign off on a large bond.

Esty questioned, if this is ready for business now, what is saying he will meet the conditions?

Polzella said there are certain requirements within the code, for example certain screening and a dust-free surface. These conditions are giving the applicant time to get in business and raise some funds. Wrens had to pave everything, and had to go through the same requirements Krauss will. This gives code the ability to enforce the conditions in three years.

Polzella reminded Krauss to obtain his Certificate of Occupancy in the Code office before opening.

RESOLUTION P-2008-17

KENT KRAUSS

TAX PARCEL # 76.01-1-5

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
JULY 1, 2008**

Resolution by: Stewart
Seconded by: Ormiston

WHEREAS, this Board has received an application for site plan review on June 12, 2008; and

WHEREAS, the subject property consists of one parcel of approximately 1.12 acres depicted on Town of Big Flats Tax Maps 76.01-1-5. The development is located entirely within the Industrial (I) Zoning District.

WHEREAS, all proposed site development has been planned to occur more than 100-feet buffer area, and as such, no wetland or floodplain permit is required from the Town of Big Flats for the proposed action as planned; and

WHEREAS, this Board and staff have reviewed this site plan for completeness; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff, June 24, 2008, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

BE IT FURTHER RESOLVED, that upon full consideration of the above, the Planning Board of the Town of Big Flats hereby grants Conditional Site Plan Approval for the application to establish a vehicle repair business on County Route 352 subject to the following conditions:

1. Within six (6) months of the date of this Resolution of Approval, the applicant shall submit revised plans, 2 copies, prepared in *final form* for final review by and signature by the Planning Board Chair or Director of Planning. This Resolution authorizes only the activities approved herein and as delineated on the *signed and filed final Plans*. *Any alterations or modifications to the approved Plans or approved facilities shall require the prior review and approval of the Planning Board of the Town of Big Flats.*
2. The applicant shall acquire all necessary permits.
3. ***No Building Permit or Certificate of Occupancy shall be granted by the Building Inspector until the required final signed print sets are provided to the Planning Board Secretary***
4. The applicant agrees to erect stockade fencing, as displayed on the approved site plan, by January 1, 2010.
5. The applicant agrees to create a crushed stone parking area at the front of the building by January 1, 2010.
6. The applicant agrees to pave the front parking lot by July 1, 2011.

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
JULY 1, 2008**

BE IT FURTHER RESOLVED, that this Approval shall be deemed to authorize only the particular site use and improvements specified herein, and shall be null and void without further written notice, if revised plans are not signed as *final* within six (6) months as required above, or a Building Permit is not obtained and work initiated pursuant thereto within one (1) year, or if the approved improvements are not completed and a Certificate of Occupancy is not obtained within three (3) years from the date of this Resolution, or if the construction or use shall cease for more than one (1) year for any reason, or if the approved improvements are not maintained and all conditions and standards complied with; and

BE IT FURTHER RESOLVED, that the time frames set forth in this Resolution of Approval may only be amended or extended by the Planning Board. Any request for extension of the Approvals granted herein shall be made in writing a minimum of forty-five (45) days prior to the expiration date as stipulated in this Resolution of Approval, and shall state the circumstances for the requested extension. In considering any such requests, the Planning Board may require an Amendment review and may require a Public Hearing.

CARRIED: **AYES:** Esty, Ormiston, Piersimoni, Byland, Younge, Stewart and Masler
NAYS: None

Dated: Thursday, July 1, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

RON AND DANIELLE JOHANSON
TAX PARCEL # 67.02-1-8

The staff report outlines several issues. The applicant will need to analyze to see if they want to abandon or redesign and move forward.

Younge asked if the applicant proposes a shared driveway.

Polzella said yes, however it is not permitted. The applicant will be made aware of this after the Planning Board takes action. Polzella explained this is also in the Ridgeline Overlay and so would have to go through all of those requirements.

Dobrydney said the initial issue is the proposed creation of a non-conforming lot. Currently, parcel B does not have a front lot line. If a private drive were put up to this parcel, it would create a front line.

Younge would like these issues spelled out – to make it very clear it is not allowed.

Polzella explained we are not to create a loophole for the applicant. The main issue is bulk and density. When the applicant addresses that concern, we will continue from there.

Stewart commented it would cost approximately \$30,000 to \$40,000 to create a road to town specs.

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
JULY 1, 2008**

Polzella said he and Dobrydney have spent a lot of time on this project. Currently, we do not collect a fee for concept plan. Perhaps we would like to think about charging for concepts and proposing it at the reorganizational meeting the first of the year.

**RESOLUTION P-2008-18
RON AND DANIELLE JOHANSON
TAX PARCEL # 67.02-1-8**

Resolution by: Esty
Seconded by: Ormiston

WHEREAS, this Board has received an application for subdivision review on May 30, 2008; and

WHEREAS, this Board and its staff have developed comments on the concept plan; and

NOW, THEREFORE BE IT RESOLVED, to notify the applicant of the concept plan comments as noted in the June 24, 2008 staff report.

CARRIED: **AYES:** Esty, Ormiston, Piersimoni, Byland, Younge, Stewart and Masler
 NAYS: None

Dated: Thursday, July 1, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

**TODD WILSONCROFT
TAX PARCEL #86.00-1-29.1**

Applicant is requesting a waiver for a simple re-subdivision. This would eliminate a non-conforming lot. Staff recommends its approval.

**RESOLUTION P-2008-19
TODD WILSONCROFT
TAX PARCEL #86.00-1-29.1**

Resolution by: Younge
Seconded by: Stewart

WHEREAS, this Board has received an application for subdivision review on June 12, 2008; and

WHEREAS, this Board, as per Town of Big Flats Code 16.04.020-K, has determined that this proposal is a simple alteration of lot lines and is thus deemed a resubdivision; and

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
JULY 1, 2008**

WHEREAS, this Board finds this resubdivision to eliminate an existing non-conforming lot; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff, June 24, 2008, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

BE IT FURTHER RESOLVED, to waive the normal subdivision procedures as per Town of Big Flats Code 16.04.020-K subject to the following conditions:

7. Within six (6) months of the date of this Resolution, the applicant shall submit four (4) paper copies and one (1) mylar of the revised plat, prepared in *final form* for final review by and signature by the Planning Board Chair or Director of Planning. This Resolution authorizes only the activities approved herein.
8. The applicant shall acquire all necessary permits.
9. The applicant shall file the final signed plat with the Chemung County Clerk within sixty-two (62) days and before any realty transaction occurs.

CARRIED: **AYES:** Esty, Ormiston, Piersimoni, Byland, Younge, Stewart and Masler
 NAYS: None

Dated: Thursday, July 1, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

CORRESPONDENCE

Dick Miller

Synthes

24-Hour Fitness Center – Will be video monitored. Piersimoni is concerned it may be a meeting place for unsavory people. Perhaps this is something needed to be considered in the code. We may want to think about this in going forward.

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
JULY 1, 2008**

1
2 Pharmacy – Ballard will check tomorrow on the progress. A sign permit is all that will be needed from the
3 building department.

4
5 Simmons signage plan – not a substantial deviation –this is the new Nissan sign on the side of Old
6 Country Buffet – this is being followed quite closely due to previous issues.

7
8 Simmons Resolution

9
10 Food Bank – the plan is to add 1600sq ft – not a significant expansion.

11
12 Wilsoncroft – This letter serves as the timeline required by the applicant’s realtor.

13
14 Big Flats Golf Center- Notification sent stating Mr.Gracyk was in violation of the code by selling school
15 buses, golf carts, etc.

16
17 Allaire

18
19 **Zoning Amendment**

20
21 Polzella stated the zoning amendment would be back on the table for the Planning Board – the Town
22 Board passed 4 of the 5 amendments. They did not vote on Contractors Equipment Yard. Staff is working
23 on a new definition of equipment storage area, with additional requirements in certain areas. Hopefully
24 this will be more feasible for all parties. It will be presented to the Town Board and referred back to the
25 Planning Board.

26
27 **MEMBERS COMMENTS**

28
29 Piersimoni feels the new Simmons Rockwell building on County Route 64 looks horrendous, not like the
30 site plan that was presented.

31
32 Dobrydney said without a project narrative, the enforcement is impossible – that is why the narrative is
33 now being requested from applicants. It is a necessary piece to the application.

34
35 Ormiston commented that tractor-trailers are being parked in the Chase Pitkin lot. Ballard will inform
36 Code Enforcement tomorrow.

37
38 Mike Smith’s mining operation was denied at the last ZBA.

39
40 Younge has noticed the Corning building in Airport Corporate Park has a blinding light shining on the
41 highway. Code Enforcement will be informed.

42
43 Polzella said the junk cars at the CCC building should be screened, and a motion can be made to
44 investigate further.

45
46 **Motion by Younge, seconded by Esty. to review the conditions at the CCC Building pertaining to**
47 **the screening of junk cars.**

48

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
JULY 1, 2008**

1 **Discussion** – Stewart said that is considered a junkyard at some point. Where is the cross point / some of
2 those cars are disabled forever. There has to be some kind of inventory for what is in the lot. There are
3 no license plates, etc. on these vehicles. Balland said we will put these concerns in a letter from the town.

4 **Motion Carries 7-0.**

5
6 Esty mentioned the lot between Dunkin' Donuts and Chambers needed to be maintained.

7
8 Balland said the owner is Arnot Realty, and they will be contacted tomorrow.

9
10 Esty also questioned whether Kost Tire had permission to sell cars. Also, there are several cars in the
11 grass. Stewart remembered when the permit was granted Kost was not allowed to have cars with price
12 tags in their lot. Code will be sent to check.

13
14 Stewart, referring to a contractors stockpile, said those extra materials are gold to a contractor; they will
15 be cash in pocket further down the road. An opportunity to store materials is needed.

16
17 Dobrydney stated part of it would need to be screened.

18
19 Polzella said there will be a definition, such as residential or commercial, and commercial will bring in
20 more detailed regulations such as lot size and fencing. It will now be referred to as equipment storage area
21 instead of contractors yard.

22 Polzella explained the majority of the Town Board felt they did not want the code written that way – that
23 is why it is being re-written.

24
25 Stewart feels we need to have performance bonds for certain projects.

26
27 Geneseo summer school has one vacancy left.

28
29 Polzella said a conference call was held with DDR who controls the plazas on County Route 64. Their
30 plan is to have a client in place for the major part of the Dick's location. They are also working on plans
31 for the old Wal-Mart, however Wal-Mart is still holding the lease.

32
33 Notice has been given to Dick's tent sale – this is their last year. The tent has been relocated because it
34 was covering the handicap parking areas.

35
36 Balland commented that the noise issue with Harley is huge. She feels people do not have any clue as to
37 the sound of motorcycles.

38
39 Stewart agreed, saying every one of them will have that stop sign in front of the Chemung Canal, and they
40 all like to hear their cycle's engines run.

41
42 Polzella said the Town Board is in a much better situation to address this issue with the special permit
43 application.

44
45 Younge feels the building will not fit in with the Medical Center.

46
47 We have asked for an architectural review of the building to be done.

48
49 Polzella requested members to sign up for a meeting with staff. He appreciates the patience as our

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
JULY 1, 2008**

1 process is developed, and also appreciates their comments.

2
3 Younge asked if we can ask Lubin to look at his other site, which is bigger and better.

4
5 Polzella said he does not own the property he is proposing to build on at this time.

6
7 Younge and Piersimoni are both are very concerned with the proposed height. Younge feels the Planning
8 Board should have a bigger role in completing the SEQR.

9
10 Polzella stated that is the whole purpose of the time spent on the staff report. If they are read before
11 coming to the meeting we can have discussion on them.

12
13 **Motion to adjourn by Stewart at 8:04pm seconded by Younge, Discussion, None, Motion Carries 7-0.**

14
15 **Meeting adjourned at 8:05pm**

16
17
18 Angela Piersimoni
19 Chair, Planning Board

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
AUGUST 5, 2008**

6:30PM

REGULAR MEETING

Big Flats Town Hall, Court Room

PRESENT: Angela Piersimoni, Scott Esty, Jim Ormiston, Bill Stewart, Lance Muir,
Carl Masler, Alternate Bob Byland

ABSENT: None

STAFF: Stephen Polzella, Planning Director, Thomas Dobrydney, Planner, Brenda
Belmonte, Planning Secretary

GUESTS: Gale Wolfe, Jamie Madden, Stuart Johnson, George Miner, Brian T. Gent,
Michael P. McDonald, Tim Ostrander, James Gensel, Gary Knickerbocker, John Wren,
Donna Wren, Carolyn Welliver, Jerry Welliver, MaryAnn Balland, Marcia Hudock,
David Lubin

MINUTES

July 1, 2008

Motion by Esty, seconded by Muir to approve the minutes of July 22, 2008,
Discussion; Piersimoni noted that MaryAnn Balland's name was omitted from the guests
in attendance. There was also a clerical error needing correction.

**Motion by Younge, seconded by Esty to approve the minutes as amended. Motion
Carries 7-0.**

REPORTS

Hampton Inn Area Variances – The ZBA acted favorably; the minutes are included in the
Planning Board packets.

Ormiston asked if elevation drawings would be supplied.

Polzella said some drawings have been submitted.

Ormiston would like to see them.

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
AUGUST 5, 2008**

Polzella stated that elevation and signage will need to be addressed.

Simmons Rockwell, Colonial Drive – Staff is awaiting the final plans from Gensel. Hopefully they will be submitted soon. The board will be kept updated on this as information is submitted.

Demets - Code enforcement supplied a memo regarding the progress of this project. George Miner noted that bids would be awarded tomorrow for the access road.

NYSEG – Code enforcement memo submitted regarding the progress.

Esty has noticed there is still a silt fence around the lot behind Synthes. It does not look like it is needed anymore.

Polzella made note of this, and will have code enforcement check into it.

OLD BUSINESS

RESOLUTION P-2008-20

**Hampton Inn Preliminary Site Plan
Tax Parcel 58.03-1-1.5**

Resolution by: Stewart

Seconded by: Muir

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on May 16, 2008; and

WHEREAS, the Town of Big Flats Zoning Board of Appeals, Resolutions ZBA-8-2008 and ZBA-9-2008, granted two area variances; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's review as lead agency; and

WHEREAS, the Planning Board has considered the Full Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff, made via written memoranda to the Planning Board in a staff report dated July 29, 2008 (which memoranda are incorporated herein by reference and commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action; and

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
AUGUST 5, 2008**

1 **NOW THEREFORE BE IT RESOLVED**, that the Planning Board of the Town of Big
2 Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the
3 proposed Unlisted action will not have a significant effect on the environment and that
4 preparation of an Environmental Impact Statement will not be required, thereby issuing a
5 Negative Declaration; and
6

7 **FURTHER RESOLVED**, the Town of Big Flats Planning Board accepts the Site Plan
8 dated April 29, 2008 and last revised July 17, 2008 as a preliminary plan; and
9

10 **FURTHER RESOLVED**, the Town of Big Flats will send this project to the Chemung
11 County Planning Board, the Chemung County Highway Department, and a Town Board
12 selected review engineer for review.
13

14 **CARRIED: AYES:** Esty, Piersimoni, Muir, Ormiston, Stewart and Masler
15 **NAYS:** Younge
16

17 Dated: Tuesday, August 5, 2008
18 BIG FLATS, NEW YORK

19 By order of the Planning Board of the Town of Big Flats
20 ANGELA PIERSIMONI
21 Chairman, Planning Board
22

23 **DISCUSSION:**
24

25 Polzella reported that the ZBA has approved both the height and lot area variances as
26 requested. The following items have been noted in the Staff Report:

- 27 1. The possibility of pedestrian lights on walkways to the Hilton.
- 28 2. The need to see a construction schedule.
- 29 3. Signage is still an issue; both the location and height. The applicant needs
30 another variance, or needs to move the signs lower.
- 31 4. Staff's individual meetings with members brought up the drainage issue. There is
32 a need for curbing and an extra catch basin, or something to disperse the water
33 rather than it going directly on to Arnot Road.
34

35 Dobrydney reviewed the staff comments pertaining to SEQR.
36

37 Ormiston asked where the recycle bins would be located, and asked if they would be
38 camouflaged.
39

40 Gensel explained they would be sharing the existing bins at the Hilton.
41

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
AUGUST 5, 2008**

1 Ormiston asked if the Hampton would provide rooms for regional and outside meetings
2 similar to the Hilton.

3 Lubin said the Hilton is mainly for meetings. The Hampton has only a boardroom
4 planned at this time. In the future there may be more meeting rooms.

5
6 Ormiston questioned if that would present parking issues.

7 Dobrydney stated that at least 20 extra parking spaces have been provided.

8
9 Lubin noted that meetings are usually during the day. The only overlap would be if there
10 was an evening banquet; that is why there are extra parking areas.

11
12 Piersimoni asked which firm was being hired for stormwater review.

13
14 Polzella said the firm has not been selected yet.

15
16 Piersimoni questioned if there would be a traffic study.

17
18 Gensel said the traffic study was updated and the information has been turned over to the
19 county. He is currently doing an analysis on the left turn lane for Simmons Rockwell. It
20 will all depend on what the county decides.

21
22 Piersimoni feels that intersection will be dangerous in and of itself.

23
24 Gensel said that is why the existing and proposed traffic is looked at.

25
26 Polzella said it will depend on what Andy Avery decides..

27
28 Stewart feels the contours for detention would be better without curb.

29
30 Gensel agreed, saying they have also been discussing whether or not to curb. They may
31 add more rip rap as a flow channel.

32
33 Stewart said that would be a way to get water off of the parking lot.

34
35 Younge asked if the applicant had submitted any alternatives to the lay out.

36
37 Polzella explained the argument was made that other alternatives were considered, and
38 that was sufficient for the ZBA.

39
40 Younge questioned Jay Boudreau and Larry Wagner's comments pertaining to fire
41 protection. Do we have anything that says that the fire department is happy with this?

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
AUGUST 5, 2008**

1
2 Polzella said we received a letter from Gensel just last night. Wagner needs to review it
3 and issue a letter to the ZBA who has required this study to be done.
4

5 Gensel noted there was also a letter from the fire department. The applicant will hire a
6 certified sprinkler installer. Everything will need to pass through the code department.
7 There is also a letter from the FAA stating it was satisfactory.
8

9 Younge asked code's opinion on this having a large impact.
10

11 Dobrydney explained that the ZBA gave a variance for maximum height of habitable
12 area, not for the height exceeding that.
13

14 Younge asked for the superimposed photos that were requested.
15

16 Polzella stated they were supplied to the ZBA.
17

18 Younge asked to see them, and commented that they were not the view from Route 17.
19

20 Dobrydney noted that the Planning Board can request further visual analysis to be done.
21

22 Younge stated she was surprised, because this was requested at the last meeting. She
23 wants the hillside to be visible.
24

25 Pozella made it clear that the ZBA felt the information supplied was adequate and made
26 their decision. A visual study may be requested. It is the part of the Planning Board to
27 review the aesthetics as far as the SEQR process.
28

29 Gensel said one of the pictures was taken from the Arnot Mall parking lot, and was as
30 close as he could get. It gives an idea of the view from Interstate 81.
31

32 Piersimoni questioned comments from residents as to regulated height in this area.
33

34 Polzella stated this has already been acted on.
35

36 Esty feels the pictures make it look shorter than the Hilton and questioned if that was the
37 case.
38

39 Lubin said yes, about 9 feet shorter.
40

41 Ormiston questioned if the façade was considered a sign.

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
AUGUST 5, 2008**

1
2 Polzella answered if it was low enough. They would need a sign variance or to relocate
3 or lower.

4
5 Younge asked if the large impact that the staff has recommended for aesthetic was
6 resolved. If we accept staff's suggestions, what would the next step be?

7
8 Polzella replied that is one of the 21 or so criteria addressed in the staff report. The
9 criterion was pulled almost exactly from the SEQR Part 2. Staff feels it should be a
10 negative declaration as there is not a significant impact.

11
12 Stewart feels there is no problem and no impact. There is nothing north of there but flat
13 land.

14
15 Polzella added that it also does not cross into the ridgeline overlay points.

16
17 Younge said the previously looked at visual impact was from other areas, for example
18 Harris Hill and looking down. Two stories seemed to fit with the character of the
19 community.

20
21 Polzella noted one thing to think about in this area is where the town has set up hotels,
22 shopping , and the new Simmons Rockwell. There is already a Hilton next door and a
23 Country Inn that is at least this height.

24
25 Ormiston said those do not comply with code.

26
27 Polzella said once again, the ZBA has approved this. The ZBA has already granted relief
28 so this is a non-issue. Staff recommends a motion to issue a negative declaration, accept
29 it as a preliminary plan, and send it to the County Planning Board for review.

30
31 **RESOLUTION P-2008-21**
32 **Demet's SEQR**
33 **Tax Parcel 67.01-1-7.212**

34
35 Resolution by: Esty
36 Seconded by: Younge

37
38 **WHEREAS**, this Board received an application for site plan approval on February 1,
39 2008; and
40

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
AUGUST 5, 2008**

1 **WHEREAS**, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part
2 617 and the Big Flats Planning Board's review as lead agency; and
3

4 **WHEREAS**, the Planning Board has considered the Full Environmental Assessment
5 Form and other materials submitted by the applicant in support of the proposed action,
6 has considered the comments of its staff, made via written memoranda to the Planning
7 Board (which memoranda are incorporated herein by reference), a Statement of
8 Compliance of ACP Lot 10R and commentary during the Planning Board's meetings
9 pertaining to the review and evaluation of the proposed action;
10

11 **NOW THEREFORE BE IT RESOLVED**, that the Planning Board of the Town of Big
12 Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the
13 proposed Unlisted action will not have a significant effect on the environment and that
14 preparation of an Environmental Impact Statement will not be required, thereby issuing a
15 Negative Declaration.
16

17 **CARRIED: AYES:** Esty, Piersimoni, Muir, Younge, Stewart and Masler

18 **NAYS:** None

19 **ABSTAINED:** Ormiston
20
21

22 Dated: Tuesday, August 5, 2008

23 BIG FLATS, NEW YORK

24 By order of the Planning Board of the Town of Big Flats

25 ANGELA PIERSIMONI

26 Chairman, Planning Board
27

28 **DISCUSSION :**
29

30 Polzella cited the need to go back and issue a negative declaration. This was an oversight
31 when the current planning staff came on board.
32
33

34 **RESOLUTION P-2008-22**

35 **Gale's Equine Preliminary Site Plan**

36 **Tax Parcel 57.03-2-7**
37

38 Resolution by: Esty

39 Seconded by: Masler
40

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
AUGUST 5, 2008**

1 **WHEREAS**, the Town of Big Flats Planning Board received an application for site plan
2 approval on June 19, 2008; and
3

4 **WHEREAS**, the Town of Big Flats Zoning Law permits a commercial stable with site
5 plan approval; and
6

7 **WHEREAS**, the Town of Big Flats Code Enforcement Officer has determined that this
8 request is a significant change to the original Site Plan approval, therefore a Site Plan
9 Amendment is required; and
10

11 **WHEREAS**, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part
12 617 and the Big Flats Planning Board's review as lead agency; and
13

14 **WHEREAS**, the Planning Board has considered the Short Environmental Assessment
15 Form and other materials submitted by the applicant in support of the proposed action,
16 has considered the comments of its staff, made via written memoranda to the Planning
17 Board in a staff report dated July 29, 2008 (which memoranda are incorporated herein by
18 reference and commentary during the Planning Board's meetings pertaining to the review
19 and evaluation of the proposed action; and
20

21 **NOW THEREFORE BE IT RESOLVED**, that the Planning Board of the Town of Big
22 Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the
23 proposed Unlisted action will not have a significant effect on the environment and that
24 preparation of an Environmental Impact Statement will not be required, thereby issuing a
25 Negative Declaration; and
26

27 **FURTHER RESOLVED**, the Town of Big Flats Planning Board accepts the Site Plan
28 indicated as exhibit G-4 as a preliminary plan; and
29

30 **FURTHER RESOLVED**, the Town of Big Flats will send this project to the Chemung
31 County Planning Board for review.
32

33 **CARRIED: AYES:** Esty, Piersimoni, Muir, Ormiston, Stewart, Masler and Younge
34 **NAYS:**
35

36 Dated: Tuesday, August 5, 2008
37 BIG FLATS, NEW YORK

38 By order of the Planning Board of the Town of Big Flats
39 ANGELA PIERSIMONI
40 Chairman, Planning Board
41

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
AUGUST 5, 2008**

DISCUSSION:

This is a very minor addition to the facility. Wolfe has also been given a building permit for a horse barn expansion. Staff felt this needed to be looked at as a site plan amendment and recommends accepting it as preliminary, issuing a negative declaration, and sending to the County Planning Board for review.

RESOLUTION P-2008-23

**Chemung County IDA (Sikorsky) Area Variance Referral
Tax Parcel 57.02-2-60**

Resolution by: Younge

Seconded by: Stewart

WHEREAS, the Town of Big Flats Zoning Board of Appeals sent a referral to the Town of Big Flats Planning Board regarding review of an Area Variance for relief from maximum building height on July 22, 2008; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter on August 5, 2008; and

NOW, THEREFORE BE IT RESOLVED, to refer this action back to the Town of Big Flats Zoning Board of Appeals with a favorable recommendation.

CARRIED: AYES: Esty, Ormiston, Piersimoni, Byland, Younge, Stewart and Masler

NAYS: None

Dated: Tuesday, August 5, 2008

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

ANGELA PIERSIMONI

Chairman, Planning Board

DISCUSSION:

The existing building was previously approved and constructed within the last couple years. Staff recommended that the applicant go to the ZBA for a height variance. The ZBA has now referred it back to the planning board for building height. Staff feels this

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
AUGUST 5, 2008**

1 board has previously approved this. The FAA has made approvals, so staff would
2 recommend a favorable recommendation.

3
4
5 **RESOLUTION P-2008-24**

6 **Chemung County IDA (Sikorsky) Preliminary Site Plan**

7 **Tax Parcel 57.02-2-60**

8
9 Resolution by: Muir

10 Seconded by: Esty

11
12 **WHEREAS**, the Town of Big Flats Planning Board received an application for site plan
13 approval on July 3, 2008; and

14
15 **WHEREAS**, the Town of Big Flats Zoning Law permits manufacturing with site plan
16 approval; and

17
18 **WHEREAS**, the Town of Big Flats Planning Board has accepted the comments of Staff
19 in the July 29, 2008 Staff Report; and

20
21 **NOW THEREFORE BE IT RESOLVED**, the Town of Big Flats Planning Board
22 accepts the Site Plan dated July 18, 2008 as a preliminary plan; and

23
24 **FURTHER RESOLVED**, the Town of Big Flats will send this project to the Chemung
25 County Planning Board, Chemung County Highway Department, and a Town Board
26 selected consulting engineer for review.

27
28 **CARRIED: AYES:** Esty, Piersimoni, Muir, Ormiston, Stewart, Masler and Younge
29 **NAYS:**

30
31 Dated: Tuesday, August 5, 2008

32 **BIG FLATS, NEW YORK**

33 By order of the Planning Board of the Town of Big Flats

34 ANGELA PIERSIMONI

35 Chairman, Planning Board

36
37 **DISCUSSION:**

38
39 This is the site plan as related to the above referral. Polzella stated that this is a quality
40 submission, and noted staff's appreciation. Staff has actually reviewed this twice due to
41 the applicant submitting by the early submission date. A re-subdivision needs to take

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
AUGUST 5, 2008**

1 place due to the layout. There are questions yet on the lighting plan. Staff would also like
2 to know if there would be any signage changes. Polzella requested that the applicant
3 submit a \$ 5,000 fee for engineering review. Any remaining fees will be refunded to the
4 applicant. Staff will request a letter from the airport stating 8ft trees at the end of the
5 runway are not desired. Polzella reviewed the new entrances on the submitted drawings.
6 Mike McDonald, of Mcfarland Johnson presented a detailed color illustration. The main
7 entrance will remain the same. The secondary access and egress will be just that –
8 secondary. There were concerns of stacking on Kahler Road, however that has not
9 happened. They have the ability to offset their shifts, and the guard stations are able to
10 keep the flow moving. Currently, with many more people arriving over three shifts they
11 will use the primary entrance. When congestion occurs, the secondary entrance will
12 relieve that. The bulk of deliveries will no longer arrive through the main entrance;
13 instead they will use the secondary.

14
15 Esty asked if the secondary entrance would be manned at all times.

16
17 Stuart Johnson, representing Sikorsky, said the plan is to have that entrance fully staffed.

18
19 Piersimoni questioned how much time between each shift.

20
21 Johnson said currently they are running 15 minutes between, with usually about a 25%
22 overlap.

23
24 Dobrydney stated that there are over 100 extra parking areas.

25
26 Younge asked if the height would remain the same as the current building and was told
27 yes, the roofline will remain the same. McDonald is not aware of any additional signage
28 being proposed.

29
30 Johnson said they have not defined what they are going to do as of yet. There are no signs
31 planned on the structure itself.

32
33 Esty questioned whether signs would direct to the second entrance.

34 Johnson explained the driving motivation for a second entrance is the need to remove
35 helicopters by crane. The desire is to bring tractor-trailers delivering helicopters into the
36 factory in a way that minimizes risk both to the workers and the helicopters.

37
38 Younge asked if we knew about this originally.

39

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
AUGUST 5, 2008**

1 Polzella said there was a proposed expansion with the original submission. He also stated
2 that the county is requesting to be lead agency for SEQR. Randy Olthof has told Polzella
3 they are in the process of going through the procedure.

4
5 McDonald said the meeting at which they will classify the project and nominate the
6 county as lead agency will be August 11, 2008.

7
8 Younge asked if this was originally discussed.

9
10 McDonald said yes, and this project is larger than what was originally presented. The
11 original proposal did not include expansion of the office area, which has since been
12 included.

13
14 Younge questioned if there would be increased noise.

15
16 McDonald stated that the project narrative speaks to the noise study. There will be an
17 insignificant increase. The study shows that the airport and surrounding highways will be
18 the predominant noises.

19
20 Piersimoni said the helicopters would be in the air as well as in the facility, correct? She
21 then addressed Ann Crooke, airport manager, asking how this would work with the
22 planes.

23
24 Crooke replied that it would be one helicopter at a time, therefore there would be no
25 impact at all. As far as noise, again, it is still just one at a time.

26
27 Esty believes it is not always just one at a time – he has seen 6 or 8 at once.

28
29 Johnson stated those would not have been Sikorsky's helicopters, and both McDonald
30 and Miner agreed.

31
32 Stewart is concerned with noise at night.

33
34 Johnson said there are no plans for night operations.

35
36 Stewart said that is as of today.

37
38 Muir referred to the study regarding average decibel sound. He is curious as to the peak
39 of the average, and for how long.

40

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
AUGUST 5, 2008**

1 McDonald stated Polzella could provide detailed noise analysis to Muir from reports in
2 the planning office. He explained the average is a method of creating a limit. It does not
3 mean the averaging of the highs and lows, but the distances out the noise can project
4 from the source. He is certain there is a better definition in the report.

5
6 Piersimoni asked if it was difficult finding a labor force in this area.

7
8 McDonald said that has been one of the things discussed.

9
10 Miner believes every business in the area is having difficulty finding good workers.

11
12 Piersimoni questioned the contaminates.

13
14 Johnson noted that Schweizer is in the Brownsfield program. That is totally separate
15 from the Sikorsky plant.

16
17 Piersimoni's concern is whether any of that has traveled.

18
19 Johnson explained that after exhaustive studies by the DEC, it is well documented. If it
20 was bad the DEC and EPA would be banging on the door, and that is not happening.

21 McDonald noted that when the original facility was constructed there were no
22 observations of contaminants on that site.

23
24 Ormiston feels there should be an outdoor flag station.. He did not see anything
25 indicating a flagpole.

26
27 McDonald said it is located directly above the front entrance, where it is prominently
28 displayed and lit.

29
30 Polzella recommends the board accept this as preliminary, send it to the county planning
31 board for review, the county highway department, and have an engineer review it.

32
33 Red Knickers Herbs Concept - This is a concept plan for a very minor business
34 adjustment that needs to go to the county for review. It includes the addition of parking,
35 a shed, and expansion of a greenhouse. The applicant wishes to expand due to growth in
36 the business. He is requesting to enlarge one greenhouse, and he also needs an extra
37 storage place.

38
39 Younge asked if there was going to be any changes to the current parking.

40
41 Applicant Gary Knickerbocker said parking is located in the rear.

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
AUGUST 5, 2008**

1
2 Polzella noted that no actions would be taken on this plan at tonight's meeting; it will be
3 forwarded to the county for review. He was, however, asking for any comments from the
4 board.

5
6 Esty asked what the current zoning is and was told BNR (Business Non-Retail). The
7 applicant is present tonight for any comments. He is requesting to be on next month's
8 agenda for preliminary and final.

9
10 Ostrander Farm Market – Applicant Tim Ostrander has been working with Dobrydney
11 over the past two weeks, and continues to provide more detail. Polzella noted this is a
12 concept plan, which the applicant would like preliminary and final for next month. This
13 also needs to go the county for review. Dobrydney described the location; it is on the
14 north side of County Route 64, to the east of the mini storage and across the street from
15 Kohls. Drawings have been presented of the existing storage. Ostrander is present to hear
16 any comments.

17
18 Esty asked if it would be a shared driveway with the mini storage.

19
20 Polzella said yes, with a deeded access. The existing garage will be demolished for
21 parking. Currently, we do not have specific parking requirements for a farm market.
22 This application technically falls into retail.

23
24 Esty commented on this section of road being 45 mph.

25
26 Dobrydney said they are not requesting an additional curb cut; they are using an already
27 established one. The applicant will put up a fence or signage directing customers to use
28 the parking lot. This will keep cars from parking on Route 64.

29
30 Younge asked if the applicant would be selling Christmas trees.

31
32 Ostrander said he plans on it. He will be closed January, February and March, and will
33 reopen in the spring.

34
35 The board is in agreement to accept this as a concept. A full submission will be
36 presented next month.

37
38 Camping World Sales Event – Polzella stated there have been sales at the old Wal-Mart
39 parking lot that are not permitted. Staff has been in contact with DDR; the planning
40 board has to review this as a site plan amendment in regard to where tents, vehicles and
41 portable toilets will be located. Jamie Madden, Camping World representative, presented

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
AUGUST 5, 2008**

1 a map to the board saying they will be gone by the first of October. This is pending
2 preliminary and final approval by the planning board next month. It will also need to go
3 to the county for review.

4
5 Ormiston questioned the liability to the town. He recommends the town attorney reviews
6 this, and he feels there should be a bond in place. Ormiston also suggests we obtain a
7 receipt of their insurance coverage, and a sample of their vendor application.

8
9 Esty recalled that DDR was not cooperative when a connection was requested to the
10 Target parking lot. He feels we should not grant anything to DDR until that previous
11 request is handled. DDR should be told they need to work with us on the connection to
12 the Target parking lot.

13
14 Younge asked what the hours of operation would be.

15
16 Madden answered 10am to 6pm. Then everything is locked up, and everyone leaves
17 except for one person who stays there for security.

18
19 Zoning Amendment Referral; Equipment Storage Area – Polzella briefly reviewed what
20 needed to be discussed, saying the Town Board has started the process of this approval.
21 He reviewed the proposed conditions and intent. Staff recommends adding a development
22 guidelines section. Polzella said we need to keep in mind this is an accessory use and he
23 reviewed the general requirements. This is based on other communities and how they
24 regulate these things. Until you hit a certain threshold, you are not considered an
25 equipment yard. This is saying that once you cross the threshold, you would be required
26 to screen – also accessory structures cannot be placed in the front yard.

27
28 Stewart feels this is difficult – you are asking a guy with 10 pieces of equipment to screen
29 his whole lot. There was discussion as to storing things inside a building. Stewart said
30 this would impact the cost on every business in town. He feels one year is definitely too
31 short a time to give people to comply.

32
33 Polzella said the first question we need answered is, does the Planning Board want to
34 keep the numbers the same, or allow a greater threshold with the non-residential use?

35
36 Dobrydney stated you have to have the ability to break it down by density. There are a
37 lot of numbers to look into.

38
39 Muir feels the timber harvesting statement should be included with agriculture. Also, he
40 feels there needs to be a warning period; something ‘with teeth in it’. The idea is to

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
AUGUST 5, 2008**

1 establish a process. Muir's idea would be within two years, or we impose a process,
2 which needs to be discussed yet. This puts it in a format with responsibility.

3
4 Stewart said the problem is it may take 500 days to find out who they are.

5
6 Polzella said that process is already set – if someone complains, our code person issues a
7 complaint. If nothing is done within two weeks, another notice is sent. If still nothing is
8 done within four weeks, a court appearance is issued.

9
10 Muir stated once you have a complaint, there should be an actionable period of time –
11 perhaps making the individual submit an annual report. Muir noted he has done some
12 measuring - 120 sq ft is a joke as far as the required storage for heavy equipment.

13
14 Dobrydney said we have to think of R1 and R2.

15
16 Muir said the initial threshold of 120sf is a joke.

17
18 There was lengthy discussion regarding storing of equipment indoors, outdoors, and
19 whether the Town Board wants all equipment screened.

20
21 Polzella explained this new proposal is to regulate everyone. Unfortunately there is only
22 45 days to do so.

23
24 Stewart feels if this information was supplied via email, the board would perhaps have
25 been more prepared.

26
27 Polzella said it was supplied on July 29th.

28
29 Ormiston asked if this would apply to storage trailers, and Polzella said yes.

30
31 Dobrydney noted as per code now, an 18 ft trailer is considered commercial use.

32
33 Muir feels maybe we need to review to see what specifically needs to be changed. We
34 need to refer to the code regarding use and agricultural.

35
36 Esty said we don't want timber harvesting throughout town. For example, Yawger Road
37 has an old truck with wood piled in the back of it

38
39 Polzella said that is a code issue, and we will have it checked out. This refers to
40 equipment. The actual logs would be considered some other use.

41

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
AUGUST 5, 2008**

1 Piersimoni commented on some people having a lawnmower, tiller, etc. and that is just
2 residential.

3
4 Polzellza does not leave his lawnmower outside. You have to think about what is
5 outside lying around the yard.

6
7 Stewart said those are small tools, not heavy equipment. He feels we need a definition of
8 equipment.

9
10 Polzella suggested adding the term landscaping equipment.

11
12 Piersimoni suggests some members meet with Planning Staff apart from the planning
13 board meeting to talk things over. We are going round and round here.

14
15 Polzella agreed, saying there are definitely a few more hours of discussion needed.
16 He also noted this was a very helpful discussion.

17
18 There was further discussion on equipment storage.

19
20 Piersimoni asked about Firestone having prices on their cars. This will be checked into
21 along with whether the cars in the Kost parking lot need their prices removed. Stewart
22 believes we made an agreement with Kost. The issue falls on Simmons Rockwell.
23 Polzella will mention it to Tim Gilbert, Code Enforcement Officer.

24
25 **Motion by Stewart, seconded by Muir to adjourn at 8:55, Discussion, None, Meeting**
26 **adjourned at 8:56.**

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
SEPTEMBER 2, 2008**

6:30PM

REGULAR MEETING

Big Flats Town Hall, Court Room

PRESENT: Angela Piersimoni, Jim Ormiston, Lee Younge, Carl Masler, Lance Muir,
Scott Esty, Bill Stewart

ABSENT:

STAFF: Planning Director Stephen Polzella, Planner Tom Dobrydney, Secretary Brenda Belmonte

GUESTS: James Gensel, Ron Sherman, Marcia Hudock, Jamie Madden, Gary P. Knickerbocker, Carolyn Welliver, Gale Wolfe, David Lubin

Meeting called to order by Chair Piersimoni at 6:30pm.

MINUTES

August 5, 2008

Motion by Muir, seconded by Younge, to approve the minutes of August 5, 2008, Discussion, None, Motion Carries 5-0.

REPORTS

Simmons Rockwell Colonial Drive Update

Polzella reviewed the Code Enforcement Memo on the status of the project.

It is not known whether this building will be constructed this winter or in the spring.

Esty commented that it looks as though they are getting ready to pave; there is a lot of infrastructure there. They have not even started on the connection with the girl scouts.

Gensel noted that the NYSEG pole would be moved. He also discussed drainage, catch basins, and the ponding of water.

Esty asked if the county had expressed interest in the girl scouts removing their driveway.

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
SEPTEMBER 2, 2008**

1 Gensel said yes, Andy Avery has been helping with that as well as working with NYSEG
2 to remove their pole.

3
4 Piersimoni asked if the applicant was aware that there is a time limit.

5
6 Stewart commented that they could pave anytime they wanted to.

7
8 Polzella said Simmons would not receive their C of O until everything is completed.

9
10 NYSEG Update

11
12 Demets Update

13
14 CCIDA / Sikorsky Update

15 Polzella explained that there are at least seven major issues from the staff report that the
16 applicant have not been addressed. Some of those issues include signage, the noise
17 study, and the stormwater issue. Polzella believes the engineer is using outdated code
18 information. Staff has received and reviewed a supplemental noise study, and feel the
19 questions asked were not addressed. The noise analysis was not performed in the
20 residential area. Staff feels very strongly about this noise issue. Polzella referred to a
21 letter from Gale Wolfe noting her concerns about the noise that comes from ground
22 testing of the helicopters. She had asked for the west side of her property to be tested,
23 however the representatives refused to do so. Wolfe is also concerned about Saturday
24 morning testing. She feels that weekdays, between 8:00am and 5:00pm, (or normal
25 business hours), would be less disturbing. Polzella said the county is taking lead agency
26 for SEQR but perhaps the planning board should do their own. The decision does not
27 have to be made tonight, but should be considered. Staff welcomes planning board
28 members comments on the process. Polzella is not satisfied with the course this has
29 taken.

30
31 Younger recalled prior discussions about using a building for noise reduction.

32
33 Muir referred to Wolfe's letter regarding where the testing was done. Muir has not heard
34 or seen any data from testing on the north side and wants to know why.

35
36 Dobrydney stated that one possible reason for testing in that area would be to use the
37 airport for ambient noise levels. There is no data from the north south or west.

38
39 Muir, referring to SEQR, suggested the board generate a letter to the county stating we
40 feel strongly about this. We should not just sit back and wait. It is an important issue that
41 needs to be addressed. It is a big deal from an impact point of view.

42
43 Polzella said the ground testing continues for a total of 4 hours, with a half hour of that
44 being extremely noisy.

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
SEPTEMBER 2, 2008**

1
2 Wolfe reiterated that her issue with the noise is that it is after hours.

3
4 Muir feels we need to focus on getting the data.

5
6 Polzella stated the need to think about the industrial use - noise levels cannot exceed 55
7 decibels. The map shows the ring going only as far as 60. Vibrations perceptible beyond
8 the lot lines are not permitted. Those are things that need to be considered for approval.
9 We need to address this at the next planning board meeting, when there are
10 representatives for the applicant present.

11
12 **OLD BUSINESS**

13
14 **RESOLUTION P-2008-25**
15 **Hampton Inn Site Plan Final**
16 **Tax Parcel 58.03-1-1.5**

17
18 Resolution by: Stewart
19 Seconded by: Muir

20
21 **WHEREAS**, the Town of Big Flats Planning Board received an application for site plan
22 approval on May 16, 2008; and

23
24 **WHEREAS**, the Town of Big Flats Zoning Board of Appeals, Resolutions ZBA-8-2008
25 and ZBA-9-2008, granted two area variances; and

26
27 **WHEREAS**, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part
28 617 and the Big Flats Planning Board's review as lead agency; and

29
30 **WHEREAS**, the Planning Board has considered the Full Environmental Assessment
31 Form and other materials submitted by the applicant in support of the proposed action,
32 has considered the comments of its staff, made via written memoranda to the Planning
33 Board in a staff report dated August 26, 2008 (which memoranda are incorporated herein
34 by reference and commentary during the Planning Board's meetings pertaining to the
35 review and evaluation of the proposed action; and

36
37 **NOW THEREFORE BE IT RESOLVED**, that the Planning Board of the Town of Big
38 Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the
39 proposed Unlisted action will not have a significant effect on the environment and that
40 preparation of an Environmental Impact Statement will not be required, thereby issuing a
41 Negative Declaration; and

42
43 **FURTHER RESOLVED**, the Town of Big Flats Planning Board accepts the Site Plan
44 dated April 29, 2008 and last revised August 15, 2008 as a final plan with conditions; and

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
SEPTEMBER 2, 2008**

FURTHER RESOLVED, the following conditions are now hereby made a part of this approval:

1. **Updated Final Plan** – Applicant shall submit a new set of drawings, updated as per the Town of Big Flats Staff Report dated August 26, 2008, for endorsement before obtaining a building permit. The Applicant shall provide 1 mylar and 4 large prints for endorsement. The Applicant shall also submit a digital copy in TIF format
2. **Stormwater Management** – Applicant shall provide documentation from MRB Group confirming that concerns in a letter dated August 26, 2008, from MRB Group, have been addressed prior to obtaining a building permit
3. **Traffic** – The Chemung County Planning Board has indicated the need for a traffic study relating to the Colonial Drive/Arnot Rd. intersection is completed. Applicant shall complete such report and receive documentation from the Chemung County DPW Commissioner stating the requirements the applicant shall comply with prior to obtaining a building permit
4. **Signage** – No signage has been approved as part of this application. All signage on the property shall comply with Town of Big Flats Municipal Code 17.52 and obtain the appropriate permits from the Town of Big Flats
5. **Lighting** – Type and location of all exterior lighting shall be designed and installed pursuant to Section 17.36.240 of the Town of Big Flats Municipal Code
6. **Landscaping** – All landscaping shall be maintained by the applicant, its successors, transferees and assigns in perpetuity
7. **Access** – Applicant shall provide the Director of Planning with a Chemung County driveway permit and a shared driveway agreement with the Hilton prior to obtaining a building permit
8. **Property Maintenance** – The property shall be maintained pursuant to all state and local property maintenance laws
9. **Construction Sequencing Plan** – Applicant will submit a construction sequencing plan to the Director of Planning prior to obtaining a building permit
10. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings and one digital copy certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan prior to obtaining a certificate of occupancy
11. **Failure to comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon finding of such violation
12. **Construction/Site Prep** – No action related to this site plan shall occur prior to final site plan endorsement. Construction activities shall only occur between the hours of 7:30 a.m. and 6:00 p.m. Monday through Saturdays and not on Town holidays.
13. **Site Plan Endorsement** – All conditions shall be met prior to final site plan endorsement. Modification – Any deviation from the approved site plan requires

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
SEPTEMBER 2, 2008**

1 written approval from the Director of Planning and may require a site plan
2 amendment
3

4 **CARRIED: AYES:** Esty, Younge, Muir, Ormiston, Stewart and Masler
5 **NAYS:** Piersimoni
6

7 Dated: Tuesday, September 2, 2008
8 BIG FLATS, NEW YORK

9 By order of the Planning Board of the Town of Big Flats
10 ANGELA PIERSIMONI
11 Chairman, Planning Board
12

13 Sherman commented briefly on his review.
14

15 Gensel said the report was done in May. Since then some of the grading, curb, and basins
16 have been changed. The decision was made to do a curb with a catch basin.
17

18 Stewart and Sherman discussed the use of perforated pipe and the percolation process and
19 Gensel explained his understanding of the drainage structure.
20

21 Polzella noted that the county suggested a traffic study be required as part of the final site
22 plan.
23

24
25 **RESOLUTION P-2008-26**
26 **Gale's Equine Final Site Plan**
27 **Tax Parcel 57.03-2-7**
28

29 Resolution by: Younge
30 Seconded by: Esty
31

32 **WHEREAS**, the Town of Big Flats Planning Board received an application for site plan
33 approval on June 19, 2008; and
34

35 **WHEREAS**, the Town of Big Flats Zoning Law permits a commercial stable with site
36 plan approval; and
37

38 **WHEREAS**, the Town of Big Flats Code Enforcement Officer has determined that this
39 request is a significant change to the original Site Plan approval, therefore a Site Plan
40 Amendment is required; and
41

42 **WHEREAS**, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part
43 617 and the Big Flats Planning Board's review as lead agency; and

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
SEPTEMBER 2, 2008**

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff, made via written memoranda to the Planning Board in a staff report dated July 29, 2008 (which memoranda are incorporated herein by reference and commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action; and

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

FURTHER RESOLVED, the Town of Big Flats Planning Board accepts the Site Plan indicated as exhibit G-4 as a final plan with the condition that a copy of the septic permit is provided to the Director of Planning.

CARRIED: AYES: Esty, Piersimoni, Muir, Ormiston, Stewart, Masler and Younge
NAYS:

Dated: Tuesday, August 5, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

The county has sent this back for local determination. Per town code we will need a copy of the septic permit. Staff recommends granting final approval.

NEW BUSINESS

**RESOLUTION P-2008-26
Red Knicker's Herbs Preliminary and Final Site Plan
Tax Parcel 66.03-1-22.1**

Resolution by: Stewart
Seconded by: Ormiston

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on July 24, 2008; and

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
SEPTEMBER 2, 2008**

1 **WHEREAS**, the Town of Big Flats Zoning Law permits an agricultural plant business in
2 the Business Non-Retail (BNR) Zoning District with site plan approval; and
3

4 **WHEREAS**, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part
5 617 and the Big Flats Planning Board has decided to undertake an uncoordinated review;
6 and
7

8 **WHEREAS**, the Planning Board has considered the Short Environmental Assessment
9 Form and other materials submitted by the applicant in support of the proposed action,
10 has considered the comments of its staff, made via written memoranda to the Planning
11 Board in a staff report dated August 26, 2008 (which memoranda are incorporated herein
12 by reference and commentary during the Planning Board's meetings pertaining to the
13 review and evaluation of the proposed action; and
14

15 **NOW THEREFORE BE IT RESOLVED**, that the Planning Board of the Town of Big
16 Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the
17 proposed Unlisted action will not have a significant effect on the environment and that
18 preparation of an Environmental Impact Statement will not be required, thereby issuing a
19 Negative Declaration; and
20

21 **FURTHER RESOLVED**, the Town of Big Flats Planning Board accepts the Site Plan
22 indicated dated August 22, 2008 as a final plan with the condition that a copy of the
23 septic permit is provided to the Director of Planning.
24

25 **CARRIED: AYES:** Esty, Piersimoni, Muir, Ormiston, Stewart, Masler and Younge
26 **NAYS:**
27

28 Dated: Tuesday, August 5, 2008
29 BIG FLATS, NEW YORK

30 By order of the Planning Board of the Town of Big Flats
31 ANGELA PIERSIMONI, Chairman, Planning Board
32

33 Discussion:
34

35 Polzella explained that the applicant is looking to expand in two areas. SEQR has been
36 reviewed. Polzella would like to address offsite parking. Staff recommends the board
37 grant a waiver and also recommends preliminary and final approval.
38

39 Esty said he feels the DOT has made a mistake when marking Route 352 near this
40 property. Younge asked if there would be entrance and exit signs to which
41 Knickerbocker responded yes.
42

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
SEPTEMBER 2, 2008**

**RESOLUTION P-2008-28
Camping World SEQRA
Tax Parcel 57.04-1-7.17**

Resolution by: Younge
Seconded by: Muir

WHEREAS, the Town of Big Flats Planning Board received an application for a site plan amendment on August 15, 2008; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board has decided to undertake a coordinated review with the Town of Big Flats Town Board and act as lead agency ; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff, made via written memoranda to the Planning Board in a staff report dated August 26, 2008 (which memoranda are incorporated herein by reference and commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action; and

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

CARRIED: AYES: Piersimoni, Muir, Ormiston, Stewart, Masler and Younge
NAYS: Esty

Dated: Tuesday, August 5, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

**RESOLUTION P-2008-29
Camping World Site Plan Amendment
Tax Parcel 57.04-1-7.17**

Resolution by: Masler
Seconded by: Stewart

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
SEPTEMBER 2, 2008**

WHEREAS, the Town of Big Flats Planning Board received an application for a site plan amendment on August 15, 2008; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board has decided to undertake a coordinated review with the Town of Big Flats Town Board and act as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff, made via written memoranda to the Planning Board in a staff report dated August 26, 2008 (which memoranda are incorporated herein by reference and commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action; and

WHEREAS, the Planning Board of the Town of Big Flats has determine, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration in Resolution P2008-28; and

NOW, THEREFORE BE IT RESOLVED, that the Town of Big Flats Planning Board accepts the Site Plan submitted as final.

.

CARRIED: AYES: Piersimoni, Muir, Stewart, Masler and Younge
NAYS: Esty, Ormiston

Dated: Tuesday, August 5, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

Polzella commented that technically, anytime a store changes use in the mall, it should be reviewed. However the mall was there prior to the planning department. Anytime someone wants to re establish a use or start a new use, should that go through full site plan review? Perhaps in the future there may be changes. Writing a local law for these events was discussed, however, they would be a whole ball of wax, so it should be addressed in the future.

Ormiston feels we are opening the door for potential flea markets. The signage review process will need to be considered.

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
SEPTEMBER 2, 2008**

1
2 Piersimoni asked Madden how many customers would likely be shopping at one time.

3
4 Madden said they will accommodate 50 parking lots. There is also parking at the end
5 near Tops, and also near TGI Fridays.

6
7 Ormiston asked why this needed a prior site plan. Polzella said Special Use permit
8 triggers a site plan.

9
10 Stewart commented on this being needed at the mall when there are cars, boats, rv's, etc.

11
12 Polzella felt this was needed so staff could see how things were set up.

13
14 Polzella questioned why there was a no vote.

15
16 Esty said he is opposed to working with DDR at this time.

17
18 Polzella noted that the town board has approved the special permit, and Camping World
19 has changed the initial dates.

20
21 Staff recommends preliminary and final.

22
23 **RESOLUTION P-2008-30**

24 **Martinec SEQRA**

25 **Tax Parcel 66.04-1-5**

26
27 Resolution by: Esty

28 Seconded by: Younge

29
30 **WHEREAS**, the Town of Big Flats Planning Board received an application for a site
31 plan amendment on August 15, 2008; and

32
33 **WHEREAS**, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part
34 617 and the Big Flats Planning Board has decided to undertake a coordinated review with
35 the Town of Big Flats Town Board and act as lead agency ; and

36
37 **WHEREAS**, the Planning Board has considered the Short Environmental Assessment
38 Form and other materials submitted by the applicant in support of the proposed action,
39 has considered the comments of its staff, made via written memoranda to the Planning
40 Board in a staff report dated August 26, 2008 (which memoranda are incorporated herein
41 by reference and commentary during the Planning Board's meetings pertaining to the
42 review and evaluation of the proposed action; and

43

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
SEPTEMBER 2, 2008**

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

CARRIED: AYES: Piersimoni, Muir, Ormiston, Stewart, Esty, Masler and Younge
NAYS:

Dated: Tuesday, August 5, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

**RESOLUTION P-2008-31
Martinec Preliminary Site Plan Amendment
Tax Parcel 66.04-1-5**

Resolution by: Ormiston
Seconded by: Younge

WHEREAS, the Town of Big Flats Planning Board received an application for a site plan amendment on August 15, 2008; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board has decided to undertake a coordinated review with the Town of Big Flats Town Board and act as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff, made via written memoranda to the Planning Board in a staff report dated August 26, 2008 (which memoranda are incorporated herein by reference and commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action; and

WHEREAS, the Planning Board of the Town of Big Flats has determine, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration in Resolution P2008-30; and

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
SEPTEMBER 2, 2008**

1 NOW, THEREFORE BE IT RESOLVED, that the Town of Big Flats Planning Board
2 accepts the Site Plan dated August 15, 2008 as preliminary.

3 .
4
5 **CARRIED: AYES:** Piersimoni, Muir, Esty, Ormiston, Masler and Younge
6 **NAYS:** Stewart

7
8 Dated: Tuesday, August 5, 2008
9 BIG FLATS, NEW YORK

10 By order of the Planning Board of the Town of Big Flats
11 ANGELA PERSIMONI
12 Chairman, Planning Board

13
14 Polzella stated the applicant has supplied everything. Staff feels it could be preliminary
15 and final tonite, however, the county has to review it.

16
17 Polzella said the parking areas would need to be painted. Signs were also discussed.

18
19 Younge asked about windows.

20
21 There was discussion on the change to the building regarding the windows. Staff can
22 make the determination whether this is substantial or not. As zoning officer, Polzella
23 could say the applicant needed to apply for site plan amendment.

24
25 Younge wants to be guaranteed there would be windows.

26
27 Dobrydney said we would find a happy medium. It would not look all that pleasing with
28 no windows.

29
30 Esty would like to go on record stating currently the employees park at Miniers.

31
32 Ormiston does not recall a site plan for this building.

33
34 Muir said the original expansion did go through the planning board.

35
36 Piersimoni is concerned that the last change did not require site plan amendment.

37
38 **CORRESPONDENCE**

39
40 **National Retail Properties**

41 This is a nonsignificant site plan. The change will add 12 parking spaces near Best Buy.
42 It is not a substantial change.

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
SEPTEMBER 2, 2008**

1 Esty, said the last time this was discussed, they suggested that any change to the parking
2 lot invalidated all the leases in that parking plaza. Obviously they are not concerned
3 about that. This was either a misrepresentation from the past, or....

4
5 Polzella stated it is not a substantial change as to what was approved.

6
7 Stewart recalled it was just the Target lease that would have been invalidated.

8
9 Dobrydney noted this was less than a 1% increase - actually about a .5%.

10
11 Polzella feels the applicant should know about any agreements as discussed above.

12
13 Code Enforcement Findings – Polzella has supplied everyone with a code enforcement
14 complaint form to be filled out if needed and submitted to the secretary.

15
16 Recent Minutes

17
18 **MEMBERS**

19
20 The Kost Tire code issue was regarding the prices in the windows of cars. Kost said they
21 have asked Simmons not to send them that way, but they continue to do so.

22
23 **Zoning (Equipment Yard)**

24
25 Stewart feels you need to look at a current yard on Daniel Zenker.

26
27 Polzella said that is not what we are discussing. We are looking into what it falls under
28 exactly. The whole idea of someone having a parcel, and lining up their equipment, he
29 does not know where that falls into.

30
31 Stewart explained that is why he is voting nay, and gave the example of Martinec. He
32 feels we are walking a fine line.

33
34 Polzella agrees, noting the reason this is even on the table is that Contractor's equipment
35 yard was developed and never put on the use table. This issue needs correction from long
36 ago.

37
38 Discussion regarding the size of parcels allowed.

39
40 Muir is concerned with the storing of materials up to 20ft. He feels that is too high for
41 storing certain equipment safely. Muir thinks it is too vague and needs to be removed.
42 He referred to, for example, a 20ft pile of dirt.

43 Stewart said that would be a DEC issue; you would have to describe the material. There
44 was discussion whether it should be referred to section E, a valid building permit.

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
SEPTEMBER 2, 2008**

1
2 Polzella asked if there were any concerns with the use table.
3

4 Muir asked if the board knew what X meant. If things are put together correctly, why do
5 we need an X? What is wrong with site plan approval?
6

7 Esty said this applies only if you are in excess of the minimum area. Anything more than
8 that, it makes sense to have a review process. Our ability to deny acceptance based on
9 site plan is limited to the laws to be enforced.
10

11 Discussion as to removing 'X' completely, making it 'S' only. Also, where when and
12 how does the town board come into the picture via a special use?
13

14 Muir feels we need to simplify as much as we can
15

16 The board then reviewed each district regarding equipment yard.
17

18 **MEMBERS COMMENTS**
19

20 Stewart explained he has just taken a job in Syracuse with a completion date of 2011. It
21 is going to take all his energy to do this project. He will be gone from February until
22 December. He would like to know what the board would like him to do. The board
23 could appoint an alternate or Stewart could be appointed alternate. Stewart said nothing
24 is written in stone; however, he cannot be here next month. He could be here in
25 December and January. He feels the best solution is to step down as alternate.
26

27 Muir agreed, saying he would hate to lose Stewart. He prefers Stewart go to the alternate
28 level and the board proceed from there.
29

30 Polzella will look at the procedures.
31

32 Stewart will submit a letter to Piersimoni.
33
34

35 **Motion to adjourn at 8:56pm by Muir, seconded by Stewart.**
36

37 **Meeting adjourned at 8:57 pm**
38

**TOWN OF BIG FLATS
PLANNING BOARD MINUTES
SEPTEMBER 10, 2008**

**SPECIAL MEETING
COURT ROOM
6:30PM**

PRESENT: Angela Piersimoni, Jim Ormiston, Lee Younge, Carl Masler, Lance Muir,
Scott Esty, Bob Byland

ABSENT: Bill Stewart

STAFF: Planning Director Stephen Polzella, Planner Tom Dobrydney, Secretary Brenda Belmonte

GUESTS: MaryAnn Balland, Dave Shoen, Brian Gent, Michael P. McDonnell, Marcia Hudock, Attorney Tom Reed

Meeting called to order by Chair Piersimoni at 6:30pm.

**RESOLUTION P-2008-32
CCIDA-Sikorsky SEQRA
Tax Parcel 57.02-2-60**

Resolution by: Muir
Seconded by: Byland

WHEREAS, the Town of Big Flats Planning Board received an application for a site plan amendment on July 3, 2008; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board has decided undertake a coordinated review with the Chemung County Legislature serving as lead agency; and

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby concurs with Chemung County Legislature Resolution No. 08-380, classifying the project as an Unlisted action and the County indicating its intention to act as Lead Agency with the following comments:

- The county should conduct the review with continuous input from the Town of Big Flats Planning Board and Zoning Board of Appeals
- A further noise study be conducted with a Town Consulting Engineer present

**TOWN OF BIG FLATS
PLANNING BOARD MINUTES
SEPTEMBER 10, 2008**

CARRIED: AYES: Piersimoni, Muir, Ormiston, Byland, Esty, Masler and Younge
NAYS:

Dated: Wednesday, September 10, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

Muir made a motion, seconded by Esty that the county continues as lead agency, with the planning board's continual comments and involvement, as well as at least one consultant from Big Flats. This should be a team effort. We represent the same people.

DISCUSSION:

Younge asked Muir how he envisions the planning board's involvement. If the county handles SEQR and there is mitigation, how do we enforce that?

Muir stated that SEQR is a process. If we follow that process together, we will reach the correct end. Part of the problem is we did not necessarily feel that the data we had at the time was sufficient, and the process was not being completed in an effective matter. There was too much information we did not have. Clearly there is some learning that needs to take place. We should look at it as a process, uniformly applied.

Reed explained that the planning board would still have site plan review. Mitigation would be taken care of as far as SEQR with the county, however you still have the zoning law authority.

Younge asked how we incorporate our zoning issues to make sure the county doesn't work opposite?

Reed answered that the board would send comments to them, and the engineers would address those concerns. He would not like conflicting determinations; it would not be helpful to anyone.

Byland asked if the motion should include forwarding our current zoning standards to the

**TOWN OF BIG FLATS
PLANNING BOARD MINUTES
SEPTEMBER 10, 2008**

1 county for them to consider.

2
3 Reed said that the comments from staff would include that.

4
5 Polzella noted that there would also be a representative from the study group.

6
7 Byland feels there are definition issues and there should be some resolution to mitigate
8 those definitions.

9
10 Esty appreciates the clarification of the issues tonight. For the record, he was surprised,
11 when at the September 2nd meeting, we did not know the county had already declared
12 themselves lead agency. That determination was made on August 14th? We should have
13 had it.

14
15 Polzella said we were waiting for it.

16
17 Esty feels we need better communication with the county. Given all the timing issues, if
18 we had known, maybe we wouldn't be having this meeting now.

19
20 Piersimoni asked if the review information from the Larson Group would be included in
21 the comments sent to the county.

22
23 Dobrydney said perhaps we should include the planning board's formal request that the
24 county does not make a determination until they receive our comments.

25
26 Reed noted that there are time restrictions - that in of itself will be taken care of.

27
28 Polzella stated perhaps our review engineer could be present during the testing at the end
29 of the month so as to have a monitor there, and do our own study.

30
31 Younge asked if that could be added to the motion.

32
33 Muir said if this motion passes as presented, all of that would come about. This is a joint
34 effort - we are going to work together on it. We've agreed that we want this to happen in
35 a timely fashion.

36
37 Polzella feels, and Muir agrees, we should amend, to have a formal request for our
38 engineer to do that study.

39
40 Younge made the amendment for the engineer, seconded by esty. all aye.

**TOWN OF BIG FLATS
PLANNING BOARD MINUTES
SEPTEMBER 10, 2008**

1
2
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12

Motion to adjourn at 6:40pm by Muir, seconded by Byland.

Meeting adjourned at 6:41pm.

**TOWN OF BIG FLATS
PLANNING BOARD MEETING MINUTES
OCTOBER 7, 2008**

1 6:30PM
2 REGULAR MEETING
3 Big Flats Community Center
4 Room 'C'
5
6

7 **PRESENT:** Angela Piersimoni, Lance Muir, Scott Esty, Carl Masler, Lee Younge, Jim
8 Ormiston, Bob Byland
9

10 **ABSENT:** Bill Stewart
11

12 **STAFF:** Stephen Polzella, Director of Planning, Thomas Dobrydney, Planner, Brenda
13 Belmonte, Secretary
14

15 **GUESTS:** John P. Wren, Donna J. Wren, Neal Gummoe, Brian T. Gent, Michael P.
16 McDonnell, George Miner, Stuart Johnson, Marcia Hudock, Laura Reynolds, Frank
17 Reynolds, Leon Kraszewski
18
19

20
21 Meeting called to order by Chair Piersimoni at 6:30pm.
22

23 **MINUTES**
24

25 September 2, 2008
26

27 **Motion by Younge, seconded by Ormiston, to approve the minutes of September 2, 2008,**
28 **Discussion, None, Motion Carries 7-0.**
29

30 September 10, 2008
31

32 **Motion by Masler, seconded by Muir, to approve the minutes of September 10, 2008,**
33 **Discussion, None, Motion Carries 7-0.**
34
35

36 **REPORTS**

37 A memo from Tim Gilbert, Code Enforcement Officer, reported on the status of the
38 following projects:
39

40 Simmons Rockwell Colonial Drive -. Staff suggests looking into some type of special
41 recognition for the rain gardens.
42

43 CCIDA, Demets - Project is on track.
44

45 NYSEG Substation, Yawger Road - Majority of site work is complete.

Hampton Inn – Have not received their building permit yet.

OLD BUSINESS

RESOLUTION P-2008-33

Martinec Final Site Plan Amendment

Tax Parcel 66.04-1-5

Resolution by: Byland

Seconded by: Muir

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on August 15, 2008; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board, as lead agency, made a negative declaration in Resolution P2008-30 on September 2, 2008; and

FURTHER RESOLVED, the Town of Big Flats Planning Board accepts the Site Plan Amendment dated September 19, 2008 as a final plan with conditions; and

FURTHER RESOLVED, the following conditions are now hereby made a part of this approval:

1. **Signage** – No signage has been approved as part of this application. All signage on the property shall comply with Town of Big Flats Municipal Code 17.52 and obtain the appropriate permits from the Town of Big Flats
2. **Lighting** – Type and location of all exterior lighting shall be designed and installed pursuant to Section 17.36.240 of the Town of Big Flats Municipal Code
3. **Landscaping** – All landscaping shall be maintained by the applicant, its successors, transferees and assigns in perpetuity
4. **Property Maintenance** – The property shall be maintained pursuant to all state and local property maintenance laws
5. **Construction Sequencing Plan** – Applicant will submit a construction sequencing plan to the Director of Planning prior to obtaining a building permit
6. **Failure to comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon finding of such violation
7. **Construction/Site Prep** – No action related to this site plan shall occur prior to final site plan endorsement. Construction activities shall only occur between the hours of 7:30 a.m. and 6:00 p.m. Monday through Saturdays and not on Town holidays.

1 8. **Site Plan Endorsement** – All conditions shall be met prior to final site plan
2 endorsement. Modification – Any deviation from the approved site plan requires
3
4 written approval from the Director of Planning and may require a site plan amendment.
5

6 **CARRIED: AYES:** Byland, Piersimoni, Muir, Younge, Esty, Masler, Ormiston
7 **NAYS:**
8

9 Dated: Tuesday, October 7, 2008
10 BIG FLATS, NEW YORK

11 By order of the Planning Board of the Town of Big Flats
12 ANGELA PIERSIMONI
13 Chairman, Planning Board
14

15 Polzella gave a quick overview, noting it had been sent to the county and returned for
16 local determination.
17

18 Discussion: Piersimoni asked what the noise level would be in the workshop.
19

20 Polzella said it has not been indicated that there would be any more noise than normal.
21

22 Piersimoni stated this would be considered a dwelling with a business, to which Polzella
23 agreed.
24

25 **RESOLUTION P-2008-34**
26 **Chemung County IDA (Sikorsky) Sign Variance Referral**
27 **Tax Parcel 57.02-2-60**
28

29 Resolution by: Younge
30 Seconded by: Esty
31

32 **WHEREAS**, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states
33 all applications for variances shall be immediately referred to the Town of Big Flats
34 Planning Board; and
35

36 **WHEREAS**, the Town of Big Flats Planning Board met and held discussion on the
37 matter on October 7, 2008; and
38

39 **NOW, THEREFORE BE IT RESOLVED**, to send this variance request to the Town of
40 Big Flats Zoning Board of Appeals for their determination without comments.
41

42 **CARRIED: AYES:** Byland, Piersimoni, Muir, Younge, Esty, Masler, Ormiston
43 **NAYS:**
44

1
2 Dated: Tuesday, October 7, 2008
3 BIG FLATS, NEW YORK

4 By order of the Planning Board of the Town of Big Flats
5 ANGELA PIERSIMONI
6 Chairman, Planning Board

7
8 Discussion:

9
10 Polzella referred to new information submitted by the applicant, including proposed
11 changes to signage and a request for a variance for signage.

12
13 Younge asked about the number of signs the applicant is requesting.

14
15 Polzella said one freestanding, and 3 small facade signs, which are documented on the
16 elevation map. Staff recommends sending it to the ZBA.

17
18 **RESOLUTION P-2008-35**
19 **Chemung County IDA (Sikorsky) Final Site Plan**
20 **Tax Parcel 57.02-2-60**

21
22 Resolution by: Esty
23 Seconded by: Piersimoni

24
25 **WHEREAS**, the Town of Big Flats Planning Board received an application for site plan
26 approval on July 3, 2008; and

27
28 **WHEREAS**, the Town of Big Flats Zoning Law permits manufacturing with site plan
29 approval; and

30
31 **WHEREAS**, the Town of Big Flats Planning Board has accepted the comments of Staff
32 in the September 30, 2008 Staff Report; and

33
34 **WHEREAS**, the Town of Big Flats Planning Board has reviewed material submitted
35 September 19, 2008 at its October 7, 2008 meeting; and

36
37 **NOW THEREFORE BE IT RESOLVED**, the Town of Big Flats Planning Board,
38 based on submitted materials and with consent of the applicant, tables the action pending
39 the following:

- 40 • Completion of a further noise study
41 • SWPPP review
42 • Resubdivision review
43

44 **CARRIED: AYES:** Byland, Piersimoni, Muir, Younge, Esty, Masler, Ormiston

NAYS:

Dated: Tuesday, October 7, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

Discussion:

Polzella pointed out that McFarland Johnson submitted a full memo for the site plan. Staff recommends it be tabled due to the noise study, the SWPP, and the incorporating of the two parcels as mentioned in section 6.0 of that memo.

Esty has attended the workshops on the SWPP laws. They are quite complex and he is not sure if the applicant is meeting those laws.

Polzella said the current application does not meet those laws.

McDonald stated a complete final SWPP will be supplied and will include grading and drainage, with detailed drawings to be in compliance with local law.

Polzella noted that with the new law, there is going to be a stormwater engineer, educator, and technician, (Dobrydney, Polzella, & Hugh Seely). They will serve as the team for stormwater. In the future, any project involving a SWPP will be forwarded to that team for review and recommendation to accept or deny. Larson Design group will review this project and send us their recommendation.

Ormiston hopes that the sound study report includes items such as atmospheric conditions.

Polzella said all of those details would be included. A test was performed approximately 2 weeks ago. Reports he has received say the helicopter noise was barely noticeable.

McDonnell said the test was done on September 24th. The noise was predominantly from the traffic in the area. The plan is to follow up with additional testing this week. It is possible it will happen tomorrow, however, it is weather dependent. McDonnell apologized for the very limited and short notice as to when the testing will be done. Flight operations has said the test could be 15 minutes or 4 hours, however long it takes to get their data.

Younge asked if all of the sites had been tested.

McDonnell said Site 1, Site 2 directly by the cemetery, and Site 3 near Gales Equine Facility.

1
2 Younge then asked if the site near Maple Shade had been tested.

3
4 Polzella replied that based on the previous information, the sound is barely audible even
5 right outside the gate.

6
7 McDonnell is trying to get the technical memo finalized as soon as possible. Polzella
8 will email board members as soon as it is received.

9
10 McDonnell addressed the re-subdivision and consolidation of the airport property. The
11 discussion has been that a stamped and signed deed plat of the existing 12.2 acres filed
12 with the assessor would become a part of parcel .60, and be sufficient for now. In short,
13 the plan is to file the first plat, which should satisfy phase one, and is required before
14 final site plan approval.

15
16 Polzella stated it would be on the November agenda for a re-subdivision waiver.
17 The meeting will address whether the board accepts the waiver.

18
19 **NEW BUSINESS**

20
21 **RESOLUTION P-2008-36**
22 **West Area Variance Referral**
23 **Tax Parcel 66.04-1-23**

24
25 Resolution by: Ormiston
26 Seconded by: Byland

27
28 **WHEREAS**, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states
29 all applications for variances shall be immediately referred to the Town of Big Flats
30 Planning Board; and

31
32 **WHEREAS**, the Town of Big Flats Planning Board met and held discussion on the
33 matter on October 7, 2008; and

34
35 **NOW, THEREFORE BE IT RESOLVED**, to send this variance request to the Town of
36 Big Flats Zoning Board of Appeals for their determination without comments.

37
38 **CARRIED: AYES:** Byland, Piersimoni, Muir, Younge, Esty, Masler, Ormiston
39 **NAYS:**

40
41
42 Dated: Tuesday, October 7, 2008
43 BIG FLATS, NEW YORK

44 By order of the Planning Board of the Town of Big Flats

1 ANGELA PIERSIMONI
2 Chairman, Planning Board
3

4 The Planning Board needs to address the criteria before sending this to the ZBA. The
5 applicant wants to put a shed in the rear corner an existing non-conforming lot.
6 They currently exceed lot coverage, however this would be a very minimal change. The
7 applicant has not submitted a response to the criteria questions. Staff has given their
8 interpretation to the questions, however the application is lacking information. The
9 recommendation is to send it to the ZBA for their interpretation.

10
11 **Discussion:**

12
13 Ormiston would like to receive comments as to what the storage items would be.
14

15 **RESOLUTION P-2008-37**
16 **Reynolds Area Variance Referral**
17 **Tax Parcel 56.00-1-46.111**
18

19 Resolution by: Esty
20 Seconded by: Ormiston
21

22 **WHEREAS**, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states
23 all applications for variances shall be immediately referred to the Town of Big Flats
24 Planning Board; and
25

26 **WHEREAS**, the Town of Big Flats Planning Board met and held discussion on the
27 matter on October 7, 2008; and
28

29 **NOW, THEREFORE BE IT RESOLVED**, to send this variance request to the Town of
30 Big Flats Zoning Board of Appeals for their determination with the following comments:

- 31 • Criteria #1 –passed by majority
32 • Criteria #2 – failed by consensus
33 • Criteria #3 – failed by majority
34 • Criteria #4 – passed by consensus
35 • Criteria #5 – failed by consensus
36

37 **CARRIED: AYES:** Byland, Piersimoni, Younge, Esty, Masler, Ormiston
38 **NAYS:**
39 **ABSTAINED:** Muir
40

41 Dated: Tuesday, October 7, 2008
42 BIG FLATS, NEW YORK

43 **Discussion:**
44

1 Muir recused himself due to a conflict of interest.

2
3 The applicant would like to subdivide, thereby cutting out a 1.05-acre parcel. Minimum
4 allowable lot size is 3 acres; this would leave a 68.8% decrease in lot size. The applicant
5 has not yet responded to the 5 criteria, but will most likely respond to the ZBA. Staff
6 recommends that the questions be answered, and that it be referred to the ZBA to deny
7 as it is very substantial.

8
9 Reynolds noted that these lots have public water. As per the test holes from the Health
10 Department, they would approve a septic system. He said he has another lot down there,
11 but that has nothing to do with this.

12
13 Younge asked why Reynolds did not want to make use of the conforming lot.

14
15 Reynolds replied that his daughter did not want to live there.

16
17 Polzella commented that it is unfortunate that the applicant's property is located in 2
18 separate zones. Staff suggests requesting a zoning change, extending the property to R1.

19
20 Reynolds asked how many people ask for a variance and it is granted?

21
22 Piersimoni explained that Reynolds would be able to make his case to the ZBA on
23 October 28th.

24
25 Polzella said the planning board should send this to the ZBA with or without comments,
26 and perhaps recommend approval or denial.

27
28 Younge feels it should be sent to the ZBA with no comment and let them make the
29 determination.

30
31 Esty feels when people buy land in the area, they buy it with a certain set of expectations.
32 This would separate the land into little pieces. It is up to the planning board to regulate
33 zoning.

34 Younge prefers sending it with no comment. It is the ZBA's job to figure it out.

35
36 Dobrydney said if the Town Board would not sponsor it, and this board will not sponsor
37 it, a petition would be required.

38
39 Polzella agreed, explaining that the applicant would need to get a petition from 50% of the
40 people in that zoning district. The town board has suggested that the applicant wait until the
41 zoning is reviewed; possibly the R1 district could be extended.

42
43 Younge asked who recommended denial, and why it should be sent to the ZBA with
44 comments.

1 Piersimoni said the zoning change is the issue.

2
3 Dobrydney feels the planning board, with the appropriate training, can go through the
4 questions just as the staff has, and make a determination based on those questions.

5
6 Polzella suggested reviewing the criteria questions and taking a poll among the board.

7
8 1. Whether an undesirable change will be produced in the character of the
9 neighborhood. Staff's interpretation is no, it has already established he could
10 develop. Majority Vote - No.

11
12 2. Whether the benefit sought by the applicant can be achieved by some other
13 method. Majority Vote - Yes.

14
15 3. Whether the requested area variance is substantial. Staff feels it is substantial.
16 The new lot would be 63% under the requirement. Majority Vote - Yes.

17
18 4. Whether the proposed area variance will have an adverse affect or impact on the
19 physical or environmental conditions in the neighborhood. Majority Vote - No.

20
21
22
23 5. Whether the alleged difficulty was self-created. Staff comment is yes; the
24 applicant proposes subdividing this specific lot instead of his other acreage.
25 Majority Vote - Yes.

26
27 Polzella said the ZBA would most likely put a motion on the table to deny due to the
28 response to these questions. They will review it the same way.

29
30 Dobrydney explained that a motion could be sent to the ZBA along with the details
31 regarding these questions, but with no determination from this board.

32
33 Reynolds asked if he came in to get a building permit, he would be able to do it correct?

34
35 Staff replied no, it would not be allowed. Per town code, a second house on one lot is not
36 permitted.

37
38 Reynolds said the health department would approve it, and thinks the town's zoning is
39 screwy.

40
41 **RESOLUTION P-2008-38**
42 **Gush Area Variance Referral**
43 **Tax Parcel 66.02-1-13**

44
45 Resolution by: Ormiston

1 Seconded by: Esty

2
3 **WHEREAS**, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states
4 all applications for variances shall be immediately referred to the Town of Big Flats
5 Planning Board; and

6
7 **WHEREAS**, the Town of Big Flats Planning Board met and held discussion on the
8 matter on October 7, 2008; and

9
10 **NOW, THEREFORE BE IT RESOLVED**, to send this variance request to the Town of
11 Big Flats Zoning Board of Appeals with a recommendation of denial.

12
13 **CARRIED: AYES:** Byland, Piersimoni, Muir, Younge, Esty, Masler, Ormiston
14 **NAYS:**

15
16
17 Dated: Tuesday, October 7, 2008
18 BIG FLATS, NEW YORK

19 By order of the Planning Board of the Town of Big Flats
20 ANGELA PIERSIMONI
21 Chairman, Planning Board

22
23 Discussion:

24
25 Polzella referred to the map, stating that there are currently a number of sheds on the
26 property. Gush is requesting relief from maximum lot coverage, and relief from
27 maximum square footage of an accessory structure.

28
29 Piersimoni asked the applicant about the appearance.

30
31 Gush replied it would be sided to match the house, and would be used for storage of
32 private materials. He also stated that the existing use is not a business.

33
34 Staff recommends a referral to the ZBA to deny. They believe all five criteria fail.

- 35
- 36 1. Whether an undesirable change will be produced in the character of the
37 neighborhood. There are already several other structures on that lot.
38
 - 39 2. Whether the benefit sought by the applicant can be achieved by some other
40 method. The applicant is already 40% over code, and staff feels that it is not
41 needed.
42
 - 43 3. Whether the requested variance is substantial.
44 It is substantial do to the percentage.

4. Whether the proposed variance will have an adverse affect or impact on the neighborhood. This may have some environmental impact on the creek and the runoff.

5. Whether the alleged difficulty was self-created.
Staff agrees that it is self-created.

The issue of stormwater was brought up: it is not large enough to go through the SWPP process.

Gush said it is a 2-acre lot with a garage and a shed; that is over?

Polzella answered yes, it is a cumulative square footage of the accessory structures. One structure cannot be more than 750sq. ft.

Esty has driven by the applicant's residence and noticed a concrete pad has already been poured.

Polzella said he would address that with the code officer tomorrow.

Gush stated the code officer had told him he did not need approval to pour a pad. He went on to say he planned to side the shed to match the garage. It would be used for storage so that he does not receive any more letters from the town regarding cars on his lot.

Staff recommends sending it to the ZBA with a recommendation to deny.

Polzella informed Gush that he would be on the ZBA agenda for October 28, 2008, explaining he would be asked about the 5 criteria questions. The ZBA will make their own determination.

RESOLUTION P-2008-39
Kraszewski Area Variance Referral
Tax Parcel 96.00-1-1

Resolution by: Younge
Seconded by: Ormiston

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter on October 7, 2008; and

1
2 **NOW, THEREFORE BE IT RESOLVED**, to send this variance request to the Town of
3 Big Flats Zoning Board of Appeals for their determination without comment.

4
5 **CARRIED: AYES:** Byland, Piersimoni, Muir, Younge, Esty, Masler, Ormiston
6 **NAYS:**

7
8 Dated: Tuesday, October 7, 2008
9 BIG FLATS, NEW YORK

10 By order of the Planning Board of the Town of Big Flats
11 ANGELA PIERSIMONI
12 Chairman, Planning Board

13
14 **Discussion:**

15 Polzella said this is on Sticklertown Road located in the Agricultural District. The
16 applicant is requesting to construct a pole barn within 50 feet of the front yard setback
17 instead of the required 70 feet. Typically this would go through site plan review,
18 however it is in the Agricultural District, and needs only to go through the variance
19 process. Staff feels this structure could go somewhere else on the property to comply
20 with code. Both sides could be argued, and Polzella feels it should be left to the ZBA for
21 determination. It will be a tough application for the ZBA to consider. As to whether it
22 could be done elsewhere, the applicant's response saying it is most convenient is not a
23 valid argument.

24
25 Younge questioned whether the topography was creating a difficulty. She referred to the
26 map submitted by the applicant, noting she could see plenty of flat land.

27
28 Kraszewski said there is a pipeline that behind runs the full length of the property south
29 of Stickler Town Road. There are areas where the land slopes quite a bit and would
30 require extensive site work. He would also have to deal with the telephone cable in
31 certain spots up the road.

32 Polzella stated that at this point staff recommends sending to the ZBA with no comment.
33 It would also need to be reviewed by the County Planning Board.

34
35 **RESOLUTION P-2008-40**

36 **Mullen Use Variance Referral**

37 **Tax Parcel 76.00-2-26.12**

38
39 Resolution by: Muir
40 Seconded by: Byland

41
42 **WHEREAS**, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states
43 all applications for variances shall be immediately referred to the Town of Big Flats
44 Planning Board; and

1
2 **WHEREAS**, the Town of Big Flats Planning Board met and held discussion on the
3 matter on October 7, 2008; and
4

5 **NOW, THEREFORE BE IT RESOLVED**, to send this variance request to the Town of
6 Big Flats Zoning Board of Appeals for their determination.
7

8 **CARRIED: AYES:** Byland, Piersimoni, Muir, Younge, Esty, Masler, Ormiston
9 **NAYS:**
10

11
12 Dated: Tuesday, October 7, 2008
13 BIG FLATS, NEW YORK

14 By order of the Planning Board of the Town of Big Flats
15 ANGELA PIERSIMONI
16 Chairman, Planning Board
17

18 Discussion:
19

20 Polzella said this is for a use variance, which is very difficult to get as compared to an
21 area variance. The applicant intends to convert an area of the warehouse into a small
22 living space for part time residence. Basically, the request is for a residence with a
23 business. Staff recommends this be sent to the ZBA for determination; it requires a
24 response to 4 criteria questions as opposed to the 5 questions for an area variance.
25 Polzella has reviewed the questions, along with staff's determination to the responses.
26 The applicant has stated that when it was originally established, the building was elevated
27 to bring it out of the floodplain.
28

29 Ormiston wonders if this would be establishing precedence.
30

31 Dobrydney explained this is unique because the building already exists and was built out
32 of the floodplain.
33

34 Polzella agreed, saying there would be no visible signs; no one driving by would know of
35 the change. The apartment would be downstairs. Staff recommends sending it to the
36 ZBA for determination.
37

38
39 **RESOLUTION P-2008-41**
40 **Southern Tier Glass Area Variance Referral**
41 **Tax Parcel 76.00-2-10.112**
42

43 Resolution by: Esty
44 Seconded by: Piersimoni

1
2 **WHEREAS**, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states
3 all applications for variances shall be immediately referred to the Town of Big Flats
4 Planning Board; and
5

6 **WHEREAS**, the Town of Big Flats Planning Board met and held discussion on the
7 matter on October 7, 2008; and
8

9 **NOW, THEREFORE BE IT RESOLVED**, to send this variance request to the Town of
10 Big Flats Zoning Board of Appeals for their determination.
11

12 **CARRIED: AYES:** Byland, Piersimoni, Muir, Younge, Esty, Masler, Ormiston
13 **NAYS:**
14
15

16 Dated: Tuesday, October 7, 2008
17 BIG FLATS, NEW YORK

18 By order of the Planning Board of the Town of Big Flats
19 ANGELA PIERSIMONI
20 Chairman, Planning Board
21

22 Discussion:
23

24 Polzella stated this is an area variance request at the previous Gas Field Specialties.
25 It is .91 acres in the BN district where one acre is required. This is not substantial and
26 staff recommends sending it to the ZBA for determination.
27

28 **SOUTHERN TIER GLASS SERVICE**
29 **SITE PLAN CONCEPT**
30

31 This is just a concept plan. Polzella reviewed the submission along with his comments.
32

33 Muir asked what exactly what would be done on this piece of property. Nick Cavallaro,
34 of Southern Tier Glass, said they install windows and doors. Nothing will be changed; he
35 just needs a bigger facility and would rather own than rent. Cavallaro also will work with
36 the Dandy Mart to blacktop. The business hours will be 7:00am to 4:00pm.
37

38 The initial staff report erred in stating a new building would be constructed. Dobrydney
39 explained that since the applicant is changing the use, it is required to go through site
40 plan. It is retail, and the definition of retail allows for this use.
41
42
43

44 Muir would recommend that the ZBA look at this positively now that he understands the

1 concept further.

2
3 Esty said staff could report the planning board member's comments to the ZBA.

4
5 Polzella stated the need for details of the hazardous materials and hazardous waste
6 information. We would need a list of what those materials are, or a statement saying he
7 does not have any.

8
9 Esty's impression is there is no driveway; he feels it would be better to have one.

10
11 Polzella said they would be sure to address all of the drive issues when reviewing the
12 Dandy Mart proposal, and perhaps develop a better internal drive.

13
14 Cavallaro stated they would have 5-10 customers coming in per day. The majority of the
15 work is done on other sites.

16
17 Staff will address landscaping, outdoor lighting, and sound levels. As far as stormwater,
18 nothing is being disturbed, however it is recommended that the applicant submit a
19 proposal. In the future a minor SWPP will be required for all developments. A parking lot
20 plan has not been submitted yet. Off-road parking will require 14 spaces.

21
22 Cavallaro said as soon as he finds out where the septic system is located he will be able to
23 decide on the parking requirements. He does not have a need for 14 parking areas. Most
24 of his employers are union glazers who do their work offsite.

25
26 Polzella stated that a loading dock is required for off-road loading and unloading. The
27 applicant should submit a request for a waiver for that along with a signage plan. Staff
28 feels it is a good concept plan, and does not foresee any problems.

29
30 **RESOLUTION P-2008-42**
31 **Amish Workshop Site Plan Compliance**
32 **Tax Parcel 66.02-2-62**

33
34 Resolution by: Esty
35 Seconded by: Piersimoni

36
37 **WHEREAS**, the Town of Big Flats Planning Board has determined the site plan
38 approval dated May 24, 2005 has not been adhered to; and

39
40 **WHEREAS**, the Town of Big Flats Planning Staff has requested, in writing, a site plan
41 amendment be filed; and

42
43 **WHEREAS**, Mr. Arthur J. Bill filed a concept site plan amendment with the Department
44 of Planning on August 25, 2008; and

45

1 **WHEREAS**, the Town of Big Flats Planning Board has reviewed the concept site plan
2 amendment at its regular meeting October 7, 2008; and
3

4 **NOW, THEREFORE BE IT RESOLVED**, Mr. Arthur J. Bill shall restore the site as
5 per the original site plan approval prior to any further action on the site plan amendment;
6 and
7

8 **FURTHER RESOLVED**, the Town of Big Flats Planning Board formally files this
9 resolution a citizen complaint form requesting action to be taken by the Town of Big
10 Flats Department of Code Enforcement and Building Inspections.
11

12 **CARRIED: AYES:** Esty, Masler, Muir, Piersimoni, Byland, Ormiston, Younge
13 **NAYS:**
14
15

16 Dated: Tuesday, October 7, 2008
17 BIG FLATS, NEW YORK

18 By order of the Planning Board of the Town of Big Flats
19 ANGELA PIERSIMONI
20 Chairman, Planning Board
21

22 **Discussion:**
23

24 This is a concept site plan amendment. The applicant was originally approved.
25

26 Younge said it looks like a garage sale. It is at the entrance to the town and has all of that
27 stuff on it.
28

29 Dobrydney explained that the applicant received a letter, dated August 19, 2008,
30 notifying him that he had deviated from his site plan by putting articles in the yard. The
31 applicant has applied for site plan amendment requesting a 25' x 50' foot display area.
32 (where the lawn furniture is currently located).
33

34 Polzella pointed out what was originally approved, noting it included much less, with the
35 sheds neatly positioned around the outer edges. The information submitted is very
36 limited. Currently there are doghouses, wishing wells, etc. that not only exceed the
37 original plan, but also are in the county right of way. As a site plan, it is a very poor
38 submission to begin with.
39

40 Ormiston asked if this was the same owner.
41

42 Fritz Meyers owns the property and his daughter lives in the house. Arthur Bill is renting
43 it from Meyers. Staff is at an impasse as to what to do. A notice of violation of site plan
44 sent to the applicant has led us to this point.

1
2 Polzella said we can request the site be restored to the approved site plan, at least until
3 action is taken. Unfortunately, if the applicant follows code, he could essentially use the
4 entire site. He seems reluctant to do much more than has already been asked. Staff
5 informed him that the planning board may request a survey of the property, and he said it
6 would cost him \$300 to \$400. In the TC District his lot coverage can be 100%. The town
7 board will be looking at the overlay district in the near future. It is possible that they will
8 repeal it and go back to what it was initially.

9
10 Muir mentioned the right-of-ways that the applicant is dealing with.

11
12 Dobrydney said it could be looked at as a fairly large aesthetic impact. When the
13 applicant came in, he was told he needed to either apply for site plan amendment or
14 comply with the original site plan.

15
16 Younge feels other businesses would not be allowed to dump stuff in their yards.

17
18 Muir believes a survey is needed to know where the existing property lines are.

19
20 Younge asked if the violation notice was sent directly to Meyers who own the property.

21
22 Polzella answered yes, code enforcement would send the initial code violation; basically
23 a similar letter to what has already been sent, giving the applicant two weeks to comply.
24 For site plan amendment approval, the site needs to be returned to the original design.
25 Several items are being stored within the right of way. At this time we will most likely
26 proceed with a violation. Perhaps the applicant should supply a survey and restore the
27 site to the conditions of the original approval.

28
29 **CORRESPONDENCE**

30
31 Chemung County Legislature - This correspondence originated from the special
32 September planning board meeting.

33
34 NYSEG Site Plan Deviation

35
36 **MEMBERS COMMENTS**

37 Ormiston, commenting on Simmons Rockwell, said he assumes the row of cars parked
38 there belong to the workers. Would they be allowed to store cars on there without a
39 Certificate of Occupancy?

40
41 Polzella said no. Technically there is no building permit yet. Our lead code enforcement
42 officer has stated there is no need for one yet

43
44 Piersimoni mentioned the new Pump Doctors sign. Wasn't that originally an Ebay
45 dropoff business?

1
2 Hudock said the applicant received a building permit for an approved sign.

3
4 Esty asked the status of the storage equipment yard requirements.

5
6 Polzella needs to put together a formal package to submit to the Town Board. We finally
7 received the training videos. They could be signed out, or members could meet as a
8 group to watch.

9
10 Esty suggests setting a time for a group to meet, others can watch individually.

11
12 **Motion by Muir, seconded by Esty to adjourn at 8:34pm.** .

13
14 **Meeting adjourned at 8:35pm.**

TOWN OF BIG FLATS

**PLANNING BOARD
MEETING MINUTES
NOVEMBER 4, 2008**

**6:30PM
REGULAR MEETING
BIG FLATS COMMUNITY CENTER
ROOM 'A'**

PRESENT: Angela Piersimoni, Lance Muir, Scott Esty, Lee Younge, Jim Ormiston, Carl Masler, Bob Byland

ABSENT: Bill Stewart

STAFF: Stephen Polzella, Director of Planning, Thomas Dobrydney, Planner, Brenda Belmonte, Secretary

Chair Piersimoni opened the meeting at 6:30 pm noting member Bill Stewart was absent.

MINUTES

October 28, 2008

Motion by Muir, seconded by Esty, to approve the minutes of October 28, 2008, Discussion; None, Motion Passes 7-0.

REPORTS:

Polzella reviewed an update from the code office reporting on the following projects:

Simmons Rockwell

They have begun loading the lot with cars. These are intake cars that have not been through the shop yet, and are not for sale. Staff has discussed breaking the project into three phases. This would allow the applicant to receive a building permit and C of O on each separate phase so as to continue to comply with code. Fagan is currently working on a drainage issue with basin number one. This will be checked on routinely.

Hampton Inn

Crews have begun digging and installing the footers. There are some issues with the silt fence. Fagan has been notified to repair these to prevent future problems.

NYSEG

This is in the final installation phase. Most of the site work is complete and looks good.

DeMets

Staff visited the site and noticed several stormwater and drainage issues. A staff meeting will be scheduled with Fagan to resolve this. The project itself is coming along well.

Training

Training videos have arrived. We will schedule a date in December to meet and review them.

November 20, 2008 – Stormwater Training

December 10, 2008 – Training for Use Variances, Comprehensive Plans, and Site Plan

Zoning Amendment

Polzella distributed maps illustrating the proposed re-zoning which would change some properties from RU to R1. Staff encourages a recommendation from the Planning Board to the Town Board to approve this change. If the board so chooses, this could be placed in New Business on tonight's agenda.

NEW BUSINESS

RESOLUTION P-2008-43

Sponsor Zoning Map Amendment

Resolution by: Younge

Seconded by: Muir

WHEREAS, this Board has reviewed a recent decision by the Zoning Board of Appeals which noted a zoning map amendment as finding of fact for denial; and

WHEREAS, Town of Big Flats Department of Planning Staff have reviewed the area in question and found reasonable facts to support a Zoning Map Amendment; and

WHEREAS, a map dated November 4, 2008 showing the proposed amendment has been drafted; and

WHEREAS, Town of Big Flats Municipal Code 17.68.010 provides the Town of Big Flats Town Board an avenue to proceed with a Zoning Amendment; and

WHEREAS, Town of Big Flats Municipal Code 17.68 also permits the Town of Big Flats Planning Board to recommend amending the requirements and districts established in the BFZL; and

NOW, THEREFORE BE IT RESOLVED, to make recommendation to the Town of Big Flats Board to Amend the Town of Big Flats Zoning Map as specified on Map P-110408 with the following findings of fact:

1. Municipal Water Service is available or in the vicinity
2. The lots proposed to be re-zoned comply with the R1 district use and requirements

3. The existing district boundaries appear to randomly divide individual parcels

CARRIED: AYES: Piersimoni, Esty, Masler, Ormiston, Muir, Younge, Byland
NAYS: None

Dated: Tuesday, November 4, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

DISCUSSION:

Polzella reviewed the proposed resolution. Staff has reviewed this with the ZBA, and they are in support of the amendment.

Esty questioned why the proposed change includes only one side of Eachers Hollow Road.

Polzella said it is based on the existing lot sizes and structures, along with following the stream.

The proposed map will be forwarded to the town board for consideration.

RESOLUTION P-2008-44

**Southern Glass Service Site Plan Approval Preliminary/Final
Tax Parcel 76.00-2-10.112**

Resolution by: Muir
Seconded by: Esty

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on September 17, 2008; and

WHEREAS, the Town of Big Flats Zoning Board of Appeals, Resolution ZBA-14-2008 granted an area variance for relief from Minimum Lot Area; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

WHEREAS, after an uncoordinated environmental review of the proposed action and consideration of the full SEQRA record, specifically the October 28, 2008 staff report outlining the Finding of Facts, the Town of Big Flats Planning Board has found a Notice of Determination of Non-Significance for the proposed action; and

WHEREAS, the Town of Big Flats Planning Board accepts the October 28, 2008 Staff Report as Findings of Fact for Site Plan Approval; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board accepts the Site Plan materials submitted through November 4, 2008 as a preliminary and final Site Plan with conditions; and

FURTHER RESOLVED, the following conditions are now hereby made a part of this approval:

1. **Final Plan** – The applicant shall obtain a final signed copy of the Site Plan from the Director of Planning prior to obtaining a building permit.
2. **Signage** – All signs shall be designed and installed pursuant to Section 17.52 of the Town of Big Flats Municipal Code.
3. **Lighting** – Type and location of all exterior lighting shall be designed and installed pursuant to Section 17.36.240 of the Town of Big Flats Municipal Code.
4. **Landscaping** – All landscaping shall be maintained by the applicant, its successors, transferees and assigns in perpetuity.
5. **Property Maintenance** – The property shall be maintained pursuant to all state and local property maintenance laws.
6. **Construction Sequencing Plan** – Applicant will submit a construction-sequencing plan to the Director of Planning prior to obtaining a building permit.
7. **Failure to comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon finding of such violation.
8. **Construction/Site Prep** – No action related to this site plan shall occur prior to final site plan endorsement. Construction activities shall only occur between the hours of 7:30 a.m. and 6:00 p.m. Monday through Saturdays and not on Town holidays.
9. **Site Plan Endorsement** – All conditions shall be met prior to final site plan endorsement. Modification – Any deviation from the approved site plan requires written approval from the Director of Planning and may require a site plan amendment.

CARRIED: AYES: Piersimoni, Esty, Masler, Ormiston, Muir, Younge, Byland
NAYS: None

Dated: Tuesday, November 4, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

DISCUSSION:

Staff suggests preliminary and final site approval at tonight's meeting. The applicant has done a very thorough job in submitting his documents.

Esty is glad to see one of the drives on Rte. 352 eliminated. He understands there has been discussion with Owens as to sharing the driveway.

Polzella said yes, it is shared with Owens and the golf course. The applicant looks to pave the other side of the driveway and create distinct parking lots.

Esty asked if there was any agreement with Dandy Mart as far as joining the pavement.

Polzella stated that the DOT does not see that as being necessary. They are comfortable with the existing proposals.

Younge asked where the dumpster would be located, and if there was handicapped parking.

Polzella pointed out the handicap areas, and Cavallaro noted where the dumpster would be located.

RESOLUTION P-2008-45
“Almost New”- Preliminary Site Plan Approval
Tax Parcel 97.00-01-031.21

Resolution by: Esty
Seconded by: Masler

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on October 6, 2008; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

WHEREAS, after an uncoordinated environmental review of the proposed action and consideration of the full SEQRA record, specifically the October 28, 2008 staff report outlining the Finding of Facts, the Town of Big Flats Planning Board has found a Notice of Determination of Non-Significance for the proposed action; and

WHEREAS, the Town of Big Flats Planning Board accepts the October 28, 2008 Staff Report as Findings of Fact for Preliminary Site Plan Approval; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board accepts the Site Plan materials submitted through November 4, 2008 as a Preliminary Site Plan with conditions; and

FURTHER RESOLVED, the following conditions are now hereby made a part of this approval:

10. County Planning Board Review
11. Copy of septic permit prior to the issuance of the building permit as per 17.56.050(B)
12. Meet with Staff to improve the site plan regarding driveway design, parking clarification and the Staff Report dated October 28, 2008

CARRIED: AYES: Piersimoni, Esty, Masler, Ormiston, Muir, Younge, Byland
NAYS: None

Dated: Tuesday, November 4, 2008
BIG FLATS, NEW YORK
By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

DISCUSSION:

Polzella explained this is the existing Hendy Creek Market. The applicant is looking to transfer the use from grocery to used furniture. The building has been vacant, which makes it necessary to be presented to the planning board. Staff suggests preliminary approval at tonight's meeting. It is a non-conforming lot with the same owner, so can be approved with the proper sewer documents.

Piersimoni asked about truck deliveries.

Applicant Joel Solomon said any deliveries would be made at one end of the building.

Piersimoni noted the applicant may need to address traffic flow for final approval, along with the sewer permit.

Polzella said there would be no major traffic.

Esty asked how many driveways there would be.

Muir explained the site as he had visited it. It is pretty much open. Could we work to try and define a driveway?

Polzella will work with Solomon to clarify the driveway issues.

RESOLUTION P-2008-46
Bohlayer Area Variance Referral
Tax Parcel 56.00-1-21

Resolution by: Muir
Seconded by: Ormiston

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter on November 4, 2008; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with a favorable recommendation.

CARRIED: **AYES:** Piersimoni, Esty, Masler, Ormiston, Muir, Byland
NAYS: Younge

Dated: Tuesday, November 4, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

DISCUSSION:

Applicant is requesting an area variance for relief from outdoor wood boiler setbacks. The lot is approx 400', creating the need for a very minor variance. It is a very large lot, and the applicants are asking for very little relief.

Younge asked if the applicants presently had a stove. She also asked if they realized there are a lot of problems with these. They can be annoying to neighbors when the wind blows.

Polzella noted the applicant has 23 acres, and staff doesn't consider it to be substantial at all. They recommend sending it to the ZBA with a favorable recommendation.

Younge is concerned with setting precedence.

Dobrydney explained that the closest neighbor is 500'. Per code, it would currently be allowed 50' from the lot line. In theory you could have a legal boiler 250' from your neighbor. In this instance the boiler would be between 450' and 500' foot from the neighbor.

Esty feels this not much different from a wood stove, which also has a chimney outside.

Muir noted that people have been known to burn garbage, tires, etc.

Esty asked if we have any control over that aspect, and was told yes, by law.

Younge wondered if any new residents would acquire an approval.

Dobrydney responded yes, that is true with any variance; it follows the property, not the owner.

Rhodes Subdivision

Polzella explained this is a subdivision concept. It is an expansion on a concept to the ZBA this past April, where the applicant was denied for lot width. Staff recommends the planning board supply the applicant with the staff report along with any other comments. A review engineer will be required at the applicant's expense to address the steep slope issue to comply with town guidelines.

Chris Dean, representing the applicant, stated there is a potential buyer for one lot; therefore they would like to move ahead on this project. The proposed house is being shown above the steep slope.

Muir noted there is a power line, which will force the building toward the steep slope, contrary to what is shown on the concept.

Polzella suggested the planning board visit the site to see the newly built home which has already addressed the drive issue. Next to that property you will note a steep drive, which appears to have quite a drainage issue. The applicant needs to be aware of the conditions needed. The neighboring house was built on an existing lot; therefore it was built without conditions. This application is regarding a newly proposed lot. There was discussion regarding a shared driveway. Dean recalled the last submission, at which time Larry Wagner suggested individual drives.

Polzella presented Dean with a copy of the staff report. He encouraged the planning board to forward comments to him, at which time he will forward them to Dean.

Rebecca Rays

Polzella explained the need for the property owner to re-subdivide in order to give this small lot enough area to comply. An area variance would likely be denied and cost more time to the applicant, as there are other feasible ways to address the issue. This concept is to give the applicant a time for any comments. Potentially the next meeting will include preliminary, final, and a re-subdivision waiver. The applicant would like to be in business for the Christmas season. The building is presently unoccupied other than storage. The applicant will be using approximately one-third of the building. No changes will be made to the outside.

Once again the planning board is encouraged to send comments to Polzella to be forwarded to the applicant.

Dated: Tuesday, November 4, 2008

BIG FLATS, RESOLUTION P-2008-47 Chemung County IDA- Sikorsky Site Plan Final Tax Parcel 57.02-2-60

Resolution by: Muir

Seconded by: Esty

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on July 18, 2008; and

WHEREAS, the Town of Big Flats Zoning Board of Appeals, Resolutions ZBA-8-2008 and ZBA-9-2008, ZBA-15-2008 granted three area variances; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board has deferred the review to the Chemung County Legislature as lead agency; and

WHEREAS, the Chemung County Legislature as the designated lead agency for the environmental review of the proposed action, after consideration of the full SEQRA record adopted a Notice of Determination of Non-Significance for the proposed action and this Board adopts the findings of the lead agency; and

WHEREAS, the Town of Big Flats Planning Board accepts the October 28, 2008 Staff Report as Finding of Fact; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board accepts the Site Plan Amendment including materials submitted through November 4, 2008 as a final plan with conditions and to waive the normal subdivision procedures as per Town of Big Flats Code 16.04.020-K; and

FURTHER RESOLVED, the following conditions are now hereby made a part of this approval:

13. **Updated Final Plan** – Applicant shall submit a new set of drawings, updated as per the Town of Big Flats Planning Board review and Staff Reports dated July 29, 2008, September 9, 2008, September 11, 2008, September 30, and October 28, 2008 for endorsement before obtaining a building permit. The Applicant shall provide 1 mylar and 4 large prints for endorsement. The Applicant shall also submit a digital copy in TIF or PDF format.
14. **Stormwater Management** – Applicant shall provide the Town of Big Flats Director of Planning with a SWPPP to be reviewed by Larson Design Group and accepted by the Chemung County Stormwater Team prior to obtaining an MS4 Acceptance form. The acceptance form and NOI should be filed with NYSDEC and copied to the Town of Big Flats Director of Planning prior to obtaining a building permit.
15. **Traffic** – The Chemung County Planning Board and DPW have indicated the need for safety shoulder widening. Applicant shall receive, and copy the Town of Big Flats Director of Planning with, confirmation documentation from the Chemung County DPW Commissioner stating the requirements the applicant shall comply with prior to obtaining a building permit.
16. **Signage** – The Town of Big Flats Zoning Board of Appeals granted a variance for one (1) additional awning sign on the Kahler Rd. side of the primary building, one (1) additional façade sign on the I-86 side of the primary building, one (1) additional façade sign on the Sing Sing Rd. side of the primary building, and one (1) additional freestanding sign at the secondary drive on Kahler Rd. Details of the approved signs can be found on the Building Elevations with signage drawing. All other signs shall be designed and installed pursuant to Section 17.52 of the Town of Big Flats Municipal Code.
17. **Lighting** – Type and location of all exterior lighting shall be designed and installed pursuant to Section 17.36.240 of the Town of Big Flats Municipal Code.
18. **Landscaping** – All landscaping shall be maintained by the applicant, its successors, transferees and assigns in perpetuity.
19. **Access** – Applicant shall provide the Director of Planning with a Chemung County driveway permit for the second entrance prior to obtaining a building permit.
20. **Property Maintenance** – The property shall be maintained pursuant to all state and local property maintenance laws.

21. **Construction Sequencing Plan** – Applicant will submit a construction-sequencing plan to the Director of Planning prior to obtaining a building permit.
22. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings and one digital copy certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan prior to obtaining a certificate of occupancy.
23. **Failure to comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon finding of such violation.
24. **Construction/Site Prep** – **No action related to this site plan shall occur prior to final site plan endorsement.** Construction activities shall only occur between the hours of 7:30 a.m. and 6:00 p.m. Monday through Saturdays and not on Town holidays.
25. **Site Plan Endorsement** – All conditions shall be met prior to final site plan endorsement. Modification – Any deviation from the approved site plan requires written approval from the Director of Planning and may require a site plan amendment.
26. **Inter-Agency Agreement** – An agreement between the Town of Big Flats and the Chemung County Aviation Department regarding communication on FAA procedures governing noise as operations alter over time.

CARRIED: AYES: Piersimoni, Esty, Masler, Ormiston, Muir, Younge, Byland
NAYS: None

NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

DISCUSSION:

Polzella noted all members have received the current staff report. Staff recommends preliminary and final approval. Polzella reviewed the recommendations from the staff report.

Piersimoni questioned the correspondence, which states the SWPP is still in progress?

McDonnell said yes, they are a month out, however they are not attempting to receive a building permit prior to that.

Polzella stated that McDonnell has shown him the proposed lot, and conceptually everything seems sound. Polzella then specified each of the 14 required conditions. These are steps that need to be taken by McFarland. Some of these conditions are standard, however, some are not, and will need to be addressed.

Polzella commented on a letter from airport manager Ann Crook. The intent is to put in writing that, as a town, we are ‘in the loop’ with the airport, and have the ability to make comments.

Muir, in clarifying, said if there is a problem in the future, we are asking for Sikorsky's commitment that we will work together to fix it.

Polzella explained that if a resident complains, the town or Crook would receive that complaint. It then needs to be reviewed to see if it is a real complaint, in which the FAA should be involved. The FAA sets the standards; we are asking to be in the loop.

McDonnell said the process is currently in place. Crook has written a very detailed letter on noise, which Polzella did not receive until late this afternoon. McDonnell presented a map from the master plan update incorporating all of the aircraft activity at the airport. McDonnell stated Condition Number 14 says noise is inconclusive and Polzella has said it is a mute point.

Piersimoni feels if a different type of aircraft were being tested, we should be made aware of that and should mitigate.

Polzella believes at this time it is a mute point and is inconclusive. We are speaking toward the future.

McDonnell commented on the master plan update. It evaluates all the activity at the airport and then does a study. There are 4 public hearings, and no comments have ever been received. Also, there were Transportation Advisory Council meetings, which Gale Wolfe attended. In seven meetings no comments were made.

Dobrydney explained that if there is an issue in the future, we are looking for Sikorsky and the airport to be able to address this.

Miner stated that Sikorsky is a tenant, and it is his responsibility to keep the building occupied. Restrictions beyond what is required by the FAA are not acceptable.

Piersimoni reiterated if there is an entirely different use in the future, we want it understood that this tenant would take the responsibility to mitigate it for the community.

McDonnell referred again to the master plan update.

Younge questioned McDonnell, saying if what he says is true, why wouldn't they agree to what the board is asking?

Crook said any issue with Sikorsky or IDA would also be an issue with the FAA. They require all airport people to be treated indiscriminately. Crook stated they could not concur with saying Sikorsky will agree to something. The FAA does not address one particular operator. The input from all the noise of the various aircraft is addressed. That is the reason there was a difficult time deciding the result of the noise survey using a meter. The model required by the FAA eliminates the ambient noise and develops an average based on that. A single operator may not be treated unjustly or unfairly.

Young questioned what if the town receives a complaint five years from now? How does Crook suggest it be handled?

Crook said to call her. That is part of her job.

Younge feels it is reassurance knowing Crook would be there to mitigate.

Crook made it clear she is not saying she will mitigate.

Piersimoni questioned whether the FAA would try to mitigate for us.

Crook responded no, mitigation would be a long way down the road. The first thing would be to see if the overage of noise is beyond the airport property.

McDonnell stated that is why he refers to the master plan update every four years. There would be several opportunities to address any noise issues. Six letters have been submitted on traffic noise, which we all know is the dominant noise.

Piersimoni said she lives next to the airport. We are talking about an annoying and relatively constant noise that is upsetting.

Muir wonders why it seems as though we are the only ones concerned about the future. That is what we are asking to be taken care of. None of us may be here in the future. We are asking for reassurance that we will work together to fix what problems come up.

Stuart Johnson, Sikorsky Aircraft, said if he knew what the future held he could make a fortune. As the business case changes, companies either adapt or perish. He feels what the board is suggesting is a no-brainer. He is adamantly opposed to the thought that any one company would signal out their future business case. He totally agrees we should work together and that is the intention. Sikorsky is not here to be a fly by night operation; we have committed to 15 years. It is ridiculous to ask us, as a sole occupant, to document and sign something. He would have no problem if it was done with all the operators on airport property.

Piersimoni suggests the applicants sit down with planning staff to work this out.

Polzella noted, as he did with Miner, that their attorneys could write the agreement. We are not trying to shove anything down their throat.

Johnson stated his objection to being treated different than all others.

Muir then asked Johnson if he would mitigate future issues.

Johnson explained that noise issues are handled through the FAA. The method is already in place. Even if Crook is no longer airport manager, the FAA and the rules and procedures are still there.

McDonnell reiterated that tests would be mandated.

Johnson believes Sikorsky has demonstrated a willingness to work with the planning board as well as with the ZBA on any issues. He agrees we have butted heads in the past,

however they would like to establish a good relationship. Sikorsky is totally community involved, which, with all due respect, is completely different from when it was under Schweitzer Aircraft.

Piersimoni suggested perhaps there would be a two or three-year delay in resolving any issues.

Johnson said, once again, we are going to work together. We have no interest in causing a large irresolvable problem two years down the road.

Muir reiterated we need assurance if something was to happen it would be taken care of.

Crook stated she is the 'landlord' dealing with this. Any operator would be allowed to operate five Black Hawks an hour at the airport and neither she nor us would have the ability to stop them.

Polzella asked why not?

Crook replied it is a public airport with federal funds. It is available on a nondiscriminatory basis for public aircraft.

Muir questioned if he had heard Crook correctly; Sikorsky work is a public activity? He does not believe that to be so.

Crook said it is a private activity located on a public airport.

Dobrydney stated we are not questioning the noise from take offs but from the aircraft being built and tested on Sikorsky property.

McDonnell stated this all goes into the 4-year study. If the noise leaves the airport property, a study would need to be done.

Byland questioned how often the FAA report was needed.

Crook responded it is typically done every 5 – 7 years.

Byland, in trying to clarify, said if a complaint is reported to Crook, would they be required to generate a survey as to what is going on?

Crook answered that one complaint would not change the contour. If there were enough complaints to be an ongoing thing, new contours would be rerun and developed. If there is an issue, that can be done at anytime.

Byland asked what if a jet engine was used, which would make a significant difference?

Crooke said if they were aware of the anticipated changes, they could be prepared, so as to have those problems addressed.

Byland said perhaps Condition No.14 should be in effect if there were a change – would they be willing to do another survey? That would enable us to be ahead of the complaints.

McDonnell made clear the only testing done is what Crook described. If the aircraft design changes, and there is going to be, for example, 1000 operations a quarter, the noise model would need to be changed.

Muir questioned what happens if the modeling shows they are going to exceed the 65dnl (daily noise level)?

Crook said they would have to go through FAA to see how to deal with that. Perhaps they would encourage a grant to buy the land where the 65dnl is off the airport property.

Polzella queried the board as to eliminating or keeping Condition No. 14. Passes 4-3 in favor of keeping Condition No. 14.

Muir feels the way to handle this is to get the right language in the right form so when someone questions us we are collectively prepared to say it would be mitigated.

Polzella asked if the board was comfortable with open communication between this board and just the airport, without naming Sikorsky specifically?

The board concurred to have an agreement between the Town of Big Flats and the airport regarding communication on FAA procedures governing noise as operations alter over time.

Muir stated the need to identify the process which problems will be addressed.

Polzella said the language for the agreement can be worked on with the legal teams.

Miner asked if this was a condition for site plan approval?

Polzella stated yes, that we would have communications.

Miner asked can't we send Sikorsky a welcome message?

Polzella noted this should receive final approval tonight. He and Piersimoni are responsible to see that all 14 conditions are met.

Maryann Balland, Town Supervisor, referred to an already scheduled meeting with Santulli later in the week. She then addressed Miner saying she believes this board has worked hard to welcome Sikorsky.

Polzella agreed, saying this board has bent over backwards to cooperate. The impression via emails sent to Santulli is 'here we go again'. We are baffled. We are trying to work with you, not against. There has been a willingness to comply and we are prepared to give final conditional approval.

Piersimoni also commends the planners, and prefers they be shown more respect.

RESOLUTION P-2008-48
Dandy Site Plan Preliminary
Tax Parcel 76.00-2-10.112

Resolution by: Younge
Seconded by: Ormiston

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on September 30, 2008; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

WHEREAS, the Town of Big Flats Planning board nominates itself as lead agency and directs staff to distribute notice to all interested agencies; and

WHEREAS, the Town of Big Flats Planning Board accepts the October 28, 2008 Staff Report as Finding of Fact for this Site Plan proposal; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board tables the Site Plan materials submitted through November 4, 2008 as a tabled site plan application pending conditions; and

FURTHER RESOLVED, the following conditions are now hereby made a part of this action:

1. SWPPP
2. Re-subdivision of the two parcels
3. Re-evaluation of parking, specifically for large trucks
4. Re-evaluation of loading and unloading berths
5. Re-evaluation of footcandle plot, verifying the discrepancies regarding the number of light fixtures
6. Re-evaluation of a dedicated internal drive for the bank drive-through

CARRIED: **AYES:** Piersimoni, Esty, Masler, Ormiston, Muir, Younge, Byland
NAYS: None

Dated: Tuesday, November 4, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

DISCUSSION:

Polzella explained that the previous application has expired, and he feels the board has every right to ask for any conditions. Staff recommends this be tabled and they have

offered several ideas to the applicant. One idea is trying to ease some traffic issues by having a one-way drive. The board is open to any other ideas.

Esty feels we should not be in the business of solving the applicant's problems.

Polzella explained this is a simple concept rather than a total redesign.

Ron Cobb, Hawk Engineering, said the loading zone would not work where it was being suggested. When deliveries are made at the back, things tend to 'walk off' the truck. Cobb does not know of any convenient stores that bring deliveries in the back. One option would be to show one they would use, and one they would never use.

Dobrydney said the applicant's business concern is not our zoning problem. They are required to have a loading berth.

Polzella again recommended tabling.

Esty repeated his concern that our staff is not in the business of solving problems.

Polzella explained that the planners are trained and this is part of their job. It is simply a suggestion based on being professional planners.

RESOLUTION P-2008-49
2009 Meeting Schedule

Resolution by: Ormiston
Seconded by: Younge

WHEREAS, the Town of Big Flats Department of Planning has provided the Planning Board with an updated Meeting schedule for 2009; and

WHEREAS, this Board reviewed the updated meeting schedule at their regular meeting November 4, 2008; and

NOW, THEREFORE BE IT RESOLVED, for the purposes of SEQRA, this is a Type 2 action not subject to environmental review; and

FURTHER RESOLVED, to approve the 2009 meeting schedule.

CARRIED: AYES: Piersimoni, Esty, Masler, Ormiston, Muir, Younge, Byland
NAYS: None

Dated: Tuesday, November 4, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

DISCUSSION:

Polzella presented the 2009 proposed schedule, stating the ZBA has approved their altered schedule to better coincide with the county and planning board meetings.

**RESOLUTION P-2008-50
2009 Fee Schedule**

Resolution by: Piersimoni
Seconded by: Younge

WHEREAS, the Town of Big Flats Department of Planning has provided the Planning Board with a revised fee schedule effective January 1, 2009; and

WHEREAS, this Board reviewed the revised fee schedule at their regular meeting November 4, 2008; and

WHEREAS, the revised Planning Fees are:

Site Plan Review	
Residential	\$250.00 plus \$50.00 per 1,000 square feet gross floor area
Non-Residential	\$500.00 plus \$150.00 per 2,500 square feet gross floor area
Concept Plan	\$200.00 (Fee goes towards full review)
Subdivision Review	
Less than 3 lots	\$200.00 plus \$50.00 per lot*
3 lots or more	\$500.00 plus \$100.00 per lot
Concept Plan	\$200.00 (Fee goes towards full review)
Special Use Permit	
All	\$150.00

*A re-subdivision waiver may be requested from the Planning Board (No Fee)

NOW, THEREFORE BE IT RESOLVED, for the purposes of SEQRA, this is a Type 2 action not subject to environmental review; and

FURTHER RESOLVED, to approve and forward the revised fee schedule to the Town of Big Flats Town Board for Approval.

CARRIED: AYES: Piersimoni, Esty, Ormiston, Muir, Younge, Byland
NAYS: Masler

Dated: Tuesday, November 4, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

DISCUSSION:

Polzella presented the updated fee schedule, saying code is also looking to update their fee schedule. The ZBA has already approved their portion. Staff reviewed the fees from other towns, and realized the appropriate fee schedule for Big Flats is in between current fees and many of those researched.

Muir feels this would be quite a leap forward in one fell swoop, and he wonders the reaction of the community. He believes it should be increased gradually.

Polzella stated numerous people have benefited from our low fees for a long time. The town has committed to two full-time planners, and need to establish a method for recouping some of the associated cost of such positions.

Dobrydney said previously the applicant paid for a consultant, which included planning staff reports. Currently that is all completed internally. We are not requesting the applicant to pay the \$3000-\$5000 in consultant fees.

Polzella said again, we have checked with communities with professional staff. For example, the amount of time spent on review in Big Flats is substantially different than in Horseheads.

Dobrydney stated the town also pays fees to the stormwater coalition for reviews. Previously separate engineers contracted for this.

Masler said it seems Polzella believes the applicants should pay for the planners.

Polzella referred to an application to the ZBA which cost the applicant \$45.00. Fees associated with that include staff analysis, secretarial work, etc. The town would still be bearing some of the cost.

Balland explained the planners are also contracting with outside agencies.

Esty, referring to proposed subdivision review fees, when the applicant does not yet have a project in mind; they are already contributing as taxpayers.

Polzella responded that the majority of those are considered re-subdivisions and would require a waiver only, with no fees.. A major re-subdivision would be subject to those fees.

Masler referred to the site plan fees on the proposed schedule totaling \$6000, saying it seems quite substantial.

Dobrydney, using Dandy Mart and Sikorsky as examples, stated he feels the fees are actually very reasonable.

Carolyn Welliver, CJ's Country Kids, asked what a site plan would potentially be for her building.

Polzella answered, with 3000sq ft, it would cost approximately \$500 - \$650.

Muir feels this is a substantial increase. However, as long as the board is comfortable with it he has no problem.

Members Comments

Polzella reported on the results of the variance applications presented at the October 28, 2008 ZBA meeting.

Younge recommended, and the board concurs, to nominate Muir for Planning Board Chair beginning January 2009 (with a downward rotation from chair to vice chair).

Muir accepts, stating he feels a 2-year limit should be a requirement.

Motion to adjourn at 9:02pm by Younge, seconded by Masler, Discussion; None, Motion Carries 7-0.

Meeting adjourned at 9:03pm.

**PLANNING BOARD
MEETING MINUTES
DECEMBER 4, 2008**

**6:30PM
TOWN OF BIG FLATS
COMMUNITY CENTER
ROOM 'D'**

MEMBERS PRESENT: Angela Piersimoni, Chair, Lee Younge, Jim Ormiston, Lance Muir, Carl Masler, Scott Esty

ABSENT: Bill Stewart

STAFF: Stephen Polzella, Planning Director, Brenda Belmonte, Secretary

GUESTS: Dave Young, Marcia Hudock, Michael Battisti, Joe Battisti, Jennifer Trimber, Joel Solomon, Debbie Solomon, Lorelee Mattison

Minutes
November 4, 2008

Motion by Muir, seconded by Ormiston to approve the minutes of November 4, 2008, Discussion, None, Motion Carries 6-0.

Reports

Polzella reviewed the Code Enforcement memo reporting on the following ongoing projects:

DeMets is progressing well. The waterline has been dedicated and most of the pavement is complete. Code Enforcement will not issue a temporary C of O for the job fair until outstanding engineering fees have been paid.

Hampton Inn – Footers are installed as well as the underground drain lines. Work will be on hold until spring due to the weather.

Simmons Rockwell – The lot continues to be used for storing vehicles. The plan has changed from having a GM dealership to having a Nissan dealership. Fagan Engineers will be submitting final building designs.

NYSEG has notified DEC there will be no further soil disturbance until spring. Monthly inspections will continue and the project should be complete by peak season this summer.

Soulful Cup – The approval was for a 1440sq ft building with 1200sq ft of customer area. Esty questioned the footprint, and Polzella explained there would be a small loft for extra dining.

Natural Resource Inventory Presentation

Lee Younge introduced Jennifer Trimber, Director of the Chemung County Environmental Management Council. Trimber explained that DEC has mandated all councils to keep current on the county's natural resources. This council advises the County on environmental issues, as well as being a liaison between the community and the county. Trimber then provided a slide presentation showing areas of the county and their resources.

The board thanked Trimber for her presentation.

OLD BUSINESS

RESOLUTION P-2008-51

"Almost New"- Final Site Plan Approval Tax Parcel 97.00-01-031.21

Resolution by: Muir

Seconded by: Esty

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on October 6, 2008; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

WHEREAS, after an uncoordinated environmental review of the proposed action and consideration of the full SEQRA record, specifically the October 28, 2008 staff report outlining the Finding of Facts, the Town of Big Flats Planning Board found a Notice of Determination of Non-Significance for the proposed action in Resolution P-2008-45; and

WHEREAS, the Town of Big Flats Planning Board accepts the November 25, 2008 Staff Report as Findings of Fact for Final Site Plan Approval; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board accepts the Site Plan materials submitted through December 4, 2008 as a Final Site Plan; and

FURTHER RESOLVED, the following conditions are now hereby made a part of this approval:

1. **Signage** – All signs shall be designed and installed pursuant to Section 17.52 of the Town of Big Flats Municipal Code.
2. **Lighting** – Type and location of all exterior lighting shall be designed and installed pursuant to Section 17.36.240 of the Town of Big Flats Municipal Code.
3. **Landscaping** – All landscaping shall be maintained by the applicant, its successors, transferees and assigns in perpetuity.
4. **Property Maintenance** – The property shall be maintained pursuant to all state and local property maintenance laws.

5. **Failure to comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon finding of such violation.
6. **Site Plan Endorsement** – All conditions shall be met prior to final site plan endorsement.
7. **Modification** – Any deviation from the approved site plan requires written approval from the Director of Planning or other Zoning Officer and may require a site plan amendment.

CARRIED: AYES: Piersimoni, Esty, Masler, Ormiston, Muir, Young
NAYS: None

Dated: Thursday, December 4, 2008

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

ANGELA PIERSIMONI

Chairman, Planning Board

DISCUSSION:

Polzella stated this property had received the needed area variance in July of 2003. The applicant has presented a more detailed site plan showing the open and green areas, as well as the intention to mitigate some potential traffic hazards with the current open drive. The county has returned this for local determination. Staff recommends final approval tonight.

Piersimoni questioned the traffic pattern. Polzella said nothing external is changing other than an addition of green area.

Young asked about the gas tanks, and Solomon replied they had been removed previously. Young then questioned the condition of the soil in that area. Solomon explained that the area in question now belongs to the local volunteer fire department. The kerosene tank has also been removed.

Piersimoni reiterated her concern with the traffic. Solomon stated there is only one driveway – in and out.

Reynolds Subdivision Concept

Polzella distributed maps of the proposed subdivision. He stated that the town board has not acted on the zoning change yet. It should come before this board at the next meeting. Therefore, staff would like the board to make sure the applicant has submitted all the information needed. The ZBA has recommended that Reynolds request a zoning change. Members should forward any comments to staff before December 19, 2008.

RESOLUTION P-2008-52
“Rebecca Rae’s”- Site Plan Approval
Tax Parcel 76.00-2-18

Resolution by: Esty
Seconded by: Masler

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on October 17, 2008; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

WHEREAS, after an uncoordinated environmental review of the proposed action and consideration of the full SEQRA record, specifically the November 25, 2008 staff report outlining the Finding of Facts, the Town of Big Flats Planning Board has found a Notice of Determination of Non-Significance for the proposed action; and

WHEREAS, the Town of Big Flats Planning Board accepts the November 25, 2008 Staff Report as Findings of Fact for Site Plan Approval; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board accepts the Site Plan materials submitted through December 4, 2008 as a Preliminary and Final Site Plan; and

FURTHER RESOLVED, the Town of Big Flats Planning Board hereby grants a waiver from normal subdivision procedures and approves the re-subdivision as drawn on the Boundary Survey of portion of lands owned by James T. Rhodes by Kenneth Decker dated November 25, 2008. (Town of Big Flats Municipal Code 16.04.020(K)); and

FURTHER RESOLVED, the following conditions are now hereby made a part of this approval:

8. **Signage** – All signs shall be designed and installed pursuant to Section 17.52 of the Town of Big Flats Municipal Code.
9. **Lighting** – Type and location of all exterior lighting shall be designed and installed pursuant to Section 17.36.240 of the Town of Big Flats Municipal Code.
10. **Landscaping** – All landscaping shall be maintained by the applicant, its successors, transferees and assigns in perpetuity.
11. **Property Maintenance** – The property shall be maintained pursuant to all state and local property maintenance laws.
12. **Failure to comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon finding of such violation.
13. **Site Plan Endorsement** – All conditions shall be met prior to final site plan endorsement.
14. **Modification** – Any deviation from the approved site plan requires written approval from the Director of Planning or other Zoning Officer and may require a site plan amendment.

CARRIED: **AYES:** Piersimoni, Esty, Masler, Ormiston, Muir, Younge
NAYS: None

Dated: Thursday, December 4, 2008

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

ANGELA PIERSIMONI

Chairman, Planning Board

DISCUSSION:

Polzella explained that the property owner has done a new survey, giving the lot the additional acreage needed per code. Staff recommends preliminary and final approval along with a re-subdivision waiver at tonight's meeting.

Piersimoni commented on the suggestion at a previous meeting to have a walking path to Tag's for spillover parking. This would be placed as a condition.

Rae said she would speak with Tag, or place a walkway there herself. She stated there is ample roadway from the line to the grass.

Polzella agreed, but said the walkway would be best for public safety.

Rae said she would do what is required, however she has done a lot already.

Polzella explained it was due to the possibility of using the lot for spillover parking.

Piersimoni said again, it is simply for public safety.

Rae feels she cannot ask the property owner to do much more; he has worked with her a great deal already.

RESOLUTION P-2008-53

Battisti Area Variance Referral

Tax Parcel 56.00-1-51

Resolution by: Esty

Seconded by: Muir

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter on December 4, 2008; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with a recommendation for denial based upon the Town of Big Flats BFZL.

CARRIED: **AYES:** Piersimoni, Muir, Esty, Masler, Ormiston
NAYS:
ABSTAIN: Younge

Dated: Thursday, December 4, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

DISCUSSION:

Battisti presented pictures of the property at the time a house was still there.

Polzella reviewed the staff report. Currently this is an existing non-buildable lot with a garage located on it. Code Enforcement cannot proceed with a building permit due to the fact it does not meet bulk and density. The applicant has responded to the 5 criteria and staff feels all have failed; it is up to this board to make a determination to the ZBA.

Younge is concerned about the size of the request. It is for 53% relief and she thinks that is huge.

Polzella cited Criteria 1 (undesirable change to the neighborhood): a variance would create a buildable lot, and that variance would stay with the lot, not the owner. If granted, the variance would allow up to 36 different uses to be initiated. The ZBA should grant a variance on the lot size, not a variance to build a house. Polzella also stated the applicant is a fairly new owner and was informed, before purchasing the lot, it would not be advisable, as this circumstance would arise when he tried to build a home. Initially there was an older garage along with a house. They were torn down, the new garage was installed, and that is what is there today.

Battisti stated that in 2001 permission was given to build a garage and house.

Polzella noted our records show that permission was given to build only a garage.

Battisti said there are seven houses located nearby with considerably less acreage than his lot. Could it be granted on a grandfather condition, that a house had already been there?

Polzella answered no, it is based on what is there currently.

Joe Battisti, 1604 Maple Ave., Elmira, NY, asked how long the 3-acre requirement had been in existence.

Polzella replied since 1997.

Young stated she would abstain due to living nearby.

Masler feels, and Piersimoni agrees, the percentage is substantial, making it difficult to view favorably.

Battisti mentioned again that there are houses in the area with considerably less lot area.

Muir said the board is locked in to what they can say. There is no other choice than to send it to the ZBA with a recommendation to deny. He explained the recommendation for denial is based on what the code says, not whether or not we want to see a house built there.

SHPMRD Concept Plan

Dave Young, of Larson Design, representing the applicant, gave the concept presentation. Currently Retirement Estates has been approved for Phases 1 through 4. The owner is now looking to develop a Phase 5 to provide a home style more affordable for seniors than what presently exists. The plan is to install 14 Katrina Cottages with the same leasing options that currently exist. The plan includes an interior common area, with a green concept bio retention area. The idea is to have a community in and of itself; attached to Retirement Estates, yet essentially on its own. It would be managed by the same people, and added to the acreage of Retirement Estates.

Lee Younge said that one big issue we have dealt with in the past is residents wanting to add on. Would there be enough land for that, or would it be in writing that it would not be allowed?

Dave Young replied it would have to be written that they could not extend into their yards. They are also looking to build a small clubhouse for these buildings.

Piersimoni asked about any trees.

Young stated there are a number of existing trees, however, raking leaves is a burden to older folks. Five variances would be required. Young stressed that this is an affordable housing for seniors, to live in an environment similar to the current Retirement Estates, but for less expense.

Masler questioned the function of the rainwater design when things are frozen and there is runoff.

Young gave details of the rain garden stating it was designed by DEC. Yard drains would be installed for emergency overflow.

Masler said if the ground was frozen the water would not flow down to the piping.

Young explained that it would go to the overflow yard drain and flow out.

Muir asked Young for a more detailed explanation as to what would actually be done with the water.

Young referred to the map and reviewed the water drainage.

Muir said he is familiar with the soil in that area, and he believes it would take quite a bit of digging to make this feasible.

Esty considers this a major exception to zoning. The other residents have built their homes based on the kind of neighbors they expected. This plan would be changing that area dramatically. Esty feels these cottages are a very different characteristic from an apartment building – they are just above a shed. We have already seen people pushing the limits wanting to build. What will happen when these people want a shed, a carport, etc?

Polzella said the ZBA would set all the requirements for those issues.

Esty said several people come to us after their additions are built.

Polzella noted this would require a zoning amendment, a special use permit, and a total of 24 criteria must pass. There would also be several public hearings. There is a long list of requirements before there would be a final plan.

Piersimoni asked if the demographics of this area lean toward this type of building.

Dave Young said the owners have done their research, and this is what they are proposing to do.

Lee Younge questioned the number of rooms in a cottage.

Dave Young stated there is a bedroom, kitchen, living room, bathroom and attic, with no basement.

Piersimoni wondered if this has been discussed with the current residents.

Muir replied he knows for a fact it has not. The key thing is that each step needs to go through its own public hearing.

Ormiston is bothered by the fact that many residents are disabled, and not able to come to a public hearing.

Copies of the concept map will be referred to the ZBA.

Valley View Concept

Loralee Mattison, of Land Construction, came in to the office to apply for a building permit. At that time she was notified that the area they were proposing to build in was a part of the Ridgeline Overlay District.

Polzella presented maps to the board, along with town code pertaining to the RLO. The applicants are at tonight's meeting to see what requirements are needed for this district. Polzella noted the planning board may waive any and all of those requirements. The RLO does not cover the entire proposed parcel. Mattison is here to present where they would like to locate the house, and whether there is a potential to waive some of the requirements. The applicant would need a complete site application with a complete plan

from a registered architect, as well as a SEQR environmental assessment form. The proposed house is above 1100 ft (the RLO district).

Mattison presented a map showing the proposed location of the home, the well and the septic. She stated they have been working with the owners of this lot for over a year.

Piersimoni asked Mattison if they were aware of how wet that area was.

Mattison does not feel it is worse than any others.

Muir said this is very complicated due to it being in the RLO District.

Mattison stated it cost close to \$100,000 for the lot alone, at which time they were unaware of it being located in the RLO district.

Polzella asked how much land would be disturbed, and was told most likely a whole acre; it is a five-acre lot. Polzella explained that even though only two acres appear to be located in the RLO District, by code, the entire parcel would be considered in that district.

Mattison said the applicants are at the limit of what they wanted to spend; it began as a \$1,200,000 home and they have since downsized.

Muir feels the board cannot waive any requirements until they know the proposed plan. Once the information is submitted, it can be decided what could be waived. The RLO is relatively new – these are actually the first applicants within this regulation.

Polzella also pointed out that the height restriction in the RLO district is 25'. This proposal is over that, which would require a variance.

Town of Big Flats
Tax Parcel 66.02-2-58

Resolution by: Muir
Seconded by: Younge

WHEREAS, this Board has received an application for subdivision review on November 10, 2008; and

WHEREAS, this Board, as per Town of Big Flats Code 16.04.020-K, has determined that this proposal is a simple alteration of lot lines and is thus deemed a re-subdivision; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, and verbal commentary during the Planning Board's meeting pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

BE IT FURTHER RESOLVED, to waive the normal subdivision procedures as per Town of Big Flats Code 16.04.020-K subject to the following conditions:

1. Within six (6) months of the date of this Resolution, the applicant shall submit four (4) paper copies and one (1) mylar of the revised plat, prepared in *final form* for final review by and signature by the Planning Board Chair or Director of Planning. This Resolution authorizes only the activities approved herein.
2. The applicant shall file the final signed plat with the Chemung County Clerk within sixty-two (62) days.

CARRIED: AYES: Esty, Ormiston, Piersimoni, Younge, Muir and Masler
NAYS: None

Dated: Thursday, December 4, 2008
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
ANGELA PIERSIMONI
Chairman, Planning Board

Motion by Muir, seconded by Younge, to adjourn at 8:16pm, Discussion, None, Motion Carries 6-0.

Meeting adjourned at 8:17pm